

**Third Session – Forty-Second Legislature**  
of the  
**Legislative Assembly of Manitoba**  
**DEBATES**  
and  
**PROCEEDINGS**  
**Official Report**  
**(Hansard)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Forty-Second Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ADAMS, Danielle	Thompson	NDP
ALTOMARE, Nello	Transcona	NDP
ASAGWARA, Uzoma	Union Station	NDP
BRAR, Diljeet	Burrows	NDP
BUSHIE, Ian	Keewatinook	NDP
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy, Hon.	Kildonan-River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
DRIEDGER, Myrna, Hon.	Roblin	PC
EICHLER, Ralph, Hon.	Lakeside	PC
EWASKO, Wayne	Lac du Bonnet	PC
FIELDING, Scott, Hon.	Kirkfield Park	PC
FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GORDON, Audrey	Southdale	PC
GUENTER, Josh	Borderland	PC
GUILLEMARD, Sarah, Hon.	Fort Richmond	PC
HELWER, Reg, Hon.	Brandon West	PC
ISLEIFSON, Len	Brandon East	PC
JOHNSON, Derek	Interlake-Gimli	PC
JOHNSTON, Scott	Assiniboia	PC
KINEW, Wab	Fort Rouge	NDP
LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan	Selkirk	PC
LAMONT, Dougald	St. Boniface	Lib.
LAMOUREUX, Cindy	Tyndall Park	Lib.
LATHLIN, Amanda	The Pas-Kameesak	NDP
LINDSEY, Tom	Flin Flon	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Malaya	Notre Dame	NDP
MARTIN, Shannon	McPhillips	PC
MOSES, Jamie	St. Vital	NDP
MICHALESKI, Brad	Dauphin	PC
MICKLEFIELD, Andrew	Rossmere	PC
MORLEY-LECOMTE, Janice	Seine River	PC
NAYLOR, Lisa	Woleseley	NDP
NESBITT, Greg	Riding Mountain	PC
PALLISTER, Brian, Hon.	Fort Whyte	PC
PEDERSEN, Blaine, Hon.	Midland	PC
PIWNIUK, Doyle	Turtle Mountain	PC
REYES, Jon	Waverley	PC
SALA, Adrien	St. James	NDP
SANDHU, Mintu	The Maples	NDP
SCHULER, Ron, Hon.	Springfield-Ritchot	PC
SMITH, Andrew	Lagimodière	PC
SMITH, Bernadette	Point Douglas	NDP
SMOOK, Dennis	La Vérendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
STEFANSON, Heather, Hon.	Tuxedo	PC
TEITSMA, James	Radisson	PC
WASYLIW, Mark	Fort Garry	NDP
WHARTON, Jeff, Hon.	Red River North	PC
WIEBE, Matt	Concordia	NDP
WISHART, Ian	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Wednesday, October 28, 2020**

*The House met at 1:30 p.m.*

**Madam Speaker:** O Eternal and Almighty God, from Whom all power and wisdom come, we are assembled here before Thee to frame such laws as may tend to the welfare and prosperity of our province. Grant, O merciful God, we pray Thee, that we may desire only that which is in accordance with Thy will, that we may seek it with wisdom and know it with certainty and accomplish it perfectly for the glory and honour of Thy name and for the welfare of all our people. Amen.

Please be seated.

**ROUTINE PROCEEDINGS**

**INTRODUCTION OF BILLS**

**Bill 203—The Manitoba Hydro Amendment Act (Referendum Before Privatization of Subsidiary)**

**Mr. Adrien Sala (St. James):** I rise today to introduce Bill 203, The Manitoba Hydro Amendment Act. It's the referendum before privatization—

**Madam Speaker:** The member first needs to move the motion and have a seconder. So: I move, seconded by.

**Mr. Sala:** I move, seconded by the member for Fort Rouge (Mr. Kinew)—

**Madam Speaker:** The member—seconder has to be sitting in the chair and he now is.

The honourable member for St. James, if you would like to start over.

**Mr. Sala:** I rise today to introduce bill—

**Madam Speaker:** No. Oh, I would indicate that the member may not have the wording of the motion before him.

We're just going to pause for one moment and we will ensure that the member has the wording sent to him. The moderator is sending the member the wording in the chat, so I'd ask the member to look at the chat, and first he would move and second it, I would acknowledge it and then the member can speak to his first reading.

So, when he's ready.

**Mr. Sala:** Madam Speaker, I move, seconded by the member for Fort Rouge, that Bill 203 be now read for a first time.

**Madam Speaker:** It has been moved by the honourable member for St. James, seconded by the honourable member for Fort Rouge, that Bill 203, The Manitoba Hydro Amendment Act (Referendum Before Privatization of Subsidiary), be now read a first time.

**Mr. Sala:** Apologize for the troubles.

I rise today to introduce Bill 203, The Manitoba Hydro Amendment Act for the referendum before privatization of subsidiary.

Manitobans over generations have invested in Manitoba Hydro. It is our most important Crown corporation, but is under threat. The Premier (Mr. Pallister) of our province is committed to breaking up and selling off pieces of Manitoba Hydro, as he's already done one month ago.

We believe that it's wrong and that all Manitobans deserve a say before any part of Hydro is privatized. This bill would require a referendum before any part of our Crown is privatized because all Manitobans should have a say before this Crown is broken up and sold off.

I look forward to debating this bill in the House as soon as possible, and I look forward to the support of all members for this bill.

**Madam Speaker:** Is it the pleasure of the House to adopt the motion? *[Agreed]*

Committee reports? Tabling of reports? Ministerial statements?

**MEMBERS' STATEMENTS**

**Dalip Shekhawat**

**Hon. Rochelle Squires (Minister of Municipal Relations):** I rise today to recognize and honour a remarkable man who lives in my constituency of Riel. Dalip Shekhawat is a dedicated special education teacher at St. Amant School, where he gives his heart and soul to caring for some of the most vulnerable people in our community.

Dalip is also someone who follows his dreams with great passion, and in doing so has learned how to

overcome barriers and reach new horizons, namely the summit of Mount Everest.

On May 16th, 2019, after four days of a gruelling ascent in freezing temperatures and wild winds, Dalip summited the highest peak in the world. He conquered the mountain as part of his dream, but also to raise money for the St. Amant Foundation, which provides resources for Manitobans with developmental disabilities and autism. On his climb, he carried a St. Amant flag, as well as a flag for the Royal Winnipeg Rifles, a reserve infantry regime of the Canadian Forces to which he belongs.

In the process of training for his climb, Dalip developed a passion for running and noticed its remarkable health benefits. He wanted to encourage and bring others with him on his journey towards achieving better mental and physical well-being. That was how the Rising Runners community group got its start.

On Tuesdays and Saturdays, you will find them running together—but safely apart for social distancing—achieving new heights and breaking boundaries. During one particular run, this amazing group ran over to the Bishop Grandin Greenway where they spent an entire day removing garbage and beautifying this natural greenspace in our community.

Dalip also completed his goal of running 700 kilometres in support of the Wounded Warriors of Canada, a national mental health service provider that utilizes evidence-based care in support of veterans, first responders and their families. This is further evidence of Dalip's amazing community spirit.

Madam Speaker, as the MLA for Riel, I am very proud to honour my friend Dalip and recognize his amazing achievements.

Thank you.

#### **National Internment Education Day**

**Mr. Mark Wasyliv (Fort Garry):** Madam Speaker, today is National Internment Education Day. From 1914 to 1920, Canada incarcerated 8,579 people as enemy aliens. Many communities were affected, but most were Ukrainian-Canadian civilians. They were issued with identity papers that had to be carried at all times, the penalty for non-compliance being arrest and possible imprisonment.

In 2005, the Government of Canada passed Bill C-331. This act provided for negotiations to take place between the Government of Canada and specified Ukrainian-Canadian organizations in

respect of measures that may be taken to recognize the internment, including the installation of commemorative plaques as well as public education initiatives.

Many lives and families have been touched by this shameful period of Canadian history. The legacy of internment camps in Canada has had a lasting impact on the Ukrainian community here in Manitoba. There were two internment camps in Manitoba: one in Winnipeg and one in Brandon, both of which operated between 1914 and 1916.

These families were stripped of what little wealth they had, forced to do heavy labour, were disenfranchised and subjected to other state sanctions and censors, not because of anything they had done but only because of where they had come from and who they were.

\* (13:40)

This treatment of Manitobans is inexcusable, and we must continue to do more to recognize these terrible mistakes of the past and acknowledge the ramifications on the present. The most important lesson history can teach us is that there is no us versus them; there is only all of us together as our province recovers to be stronger, more equitable, more sustainable, than it was before.

I hope all Manitobans will commemorate National Internment Education Day by learning about the history and legacy of internment camps in Manitoba. Thank you.

#### **Bob Cunningham**

**Hon. Scott Fielding (Minister of Finance):** Today it's my privilege to recognize long-time Kirkfield Park constituent and recipient of the 2020 Grace Hospital Foundation's Pearl McGonigal Lifetime Achievement Award, Bob Cunningham.

Established in 2019, the Pearl McGonigal Award honours the individual or group for outstanding contributions to the Grace Hospital and our community at large. Bob has been an active supporter, a donor, as well as a volunteer at the Grace Hospital Foundation since its inception in 1991.

In 2016 Bob's vision led perhaps to the Grace Hospital Foundation's greatest achievement to date with the creation of the Tomorrow's Grace Capital Campaign which paved the way for a new MRI and emergency department and is but one component in the facility's growing campus.

Over the years, Bob has served on countless boards, foundations, charities institutions here in Winnipeg, organizations like the Better Business Bureau, the Asper School of Business, the Health Sciences Centre Foundation, the Canadian Museum for Human Rights and others.

He has been a champion for many important organizations and causes, including CancerCare Manitoba, the Upper Fort Garry historical park, the University of Manitoba and, of course, St. John Ambulance. We're very fortunate to have people like Bob alongside his supportive wife Irene in Kirkfield Park.

This year's Grace Gala honouring Bob Cunningham and his work in the community was originally to be held in May, but due to COVID-19, it was pushed back to September and was a virtual event. Thanks to our caring community, the gala raised \$197,000, further supporting the foundation's efforts to raise \$3 million to help expand and renovate the diagnostic imaging department.

I applaud the foundation's gracious annual fundraising to support funding for the Grace Hospital medical equipment and fund research grants to projects conducted on site at the Grace Hospital.

Madam Speaker, I wish my all colleagues to join me in congratulating Bob Cunningham on his noteworthy achievement in terms of the Grace Hospital Foundation Pearl McGonigal Award.

#### **Premier's Record**

**Ms. Nahanni Fontaine (St. Johns):** So, while leaders across the globe have been showing leadership and compassion and care for their citizens, let's review what the Premier (Mr. Pallister) has done during this pandemic.

He's closed Seven Oaks CancerCare with Concordia CancerCare soon to follow; closed the Roblin ER and diagnostic services in Roblin and Shoal Lake; unilateral 2.9 per cent Manitoba Hydro rate increase; increased First Nations hydro rates by 6.5 per cent when more people are spending time at home; cut over 11,000 jobs; threatened to lay off 700 Hydro workers, then forced them to take unpaid leave; forced 6,250 civil servants to take unpaid days off; made the largest single-day budget cut in Manitoba history—\$856 million; froze municipal funding for four straight years, all the while off-loading responsibilities to municipal governments; underspent \$180 million of their Manitoba Restart Program and refused to spend it in education;

cut \$48 million in funding for schools, resulting in 5,000 EAs and other support staff being laid off; refused to contribute any provincial dollars to the paid sick leave, while the Premier personally took credit for the federal program instead.

And while all of those are exceedingly bad, the Premier has stooped even lower by legislating the right of the Pallister government to steal the children's special allowance from Indigenous children in care while circumventing Manitoba courts by legislating the rights of Indigenous children to sue them for said dollars.

Madam Speaker, Manitobans deserve better and certainly deserve better during a pandemic. Miigwech.

#### **Childhood Cancer Awareness Month**

**Mr. Wayne Ewasko (Lac du Bonnet):** And now for something completely different.

I rise today in recognition of Childhood Cancer Awareness Month, which takes place each September. In 2016, I had the honour of putting forward Bill 209, which proclaimed September as a month to honour these little warriors and their families.

Unfortunately, childhood cancer remains the most common disease-related cause of death in children. Over 250,000 children are diagnosed with cancer worldwide each year. This year, the COVID-19 pandemic has created additional hurdles for children and families affected by cancer. Despite these challenges, many continue to work hard in the fight against this illness.

The Team Brody Foundation is a family-run organization honouring the life of Brody Birrell-Gruhn, who passed away on September 1st, 2015 from cancer. During the COVID-19 pandemic, the foundation is collecting donations to support families affected by childhood cancer and will resume hosting in-person events once it is safe to do so.

This summer, Suzanne and Marco Suzio, founders of Madox's Warriors, unveiled a specialty licence plate program in partnership with our government and Manitoba Public Insurance. Proceeds are dedicated to the organization, founded in their son Madox's honour. Madox was diagnosed with a brain tumour and passed away on August 8th, 2014. Among all the work that they do, last month they hosted a virtual Superhero Run.

Both Brody and Madox's families continue to keep their children's memories alive through the work they do within their organizations.

These are but a few examples of the amazing work Manitobans have done for children affected by cancer. I would also like to acknowledge the work of my fellow Assembly members in this cause, on both sides of the House. Through the support of organizations like these, and by continuing to raise awareness, Manitobans can contribute to the fight to end childhood cancer.

To all the youth out there, have a safe and happy Halloween this coming weekend. Let's kick cancer, Madam Speaker.

### ORAL QUESTIONS

#### COVID-19 in Personal-Care Homes Asymptomatic Testing of Residents

**Mr. Wab Kinew (Leader of the Official Opposition):** Madam Speaker, the COVID-19 pandemic has become a war of attrition against an unrelenting enemy. At any point, when we collectively let our guard down, that's when the virus makes progress towards its terrible goals. When we don't wear masks, when we don't socially distance, when we don't stay home when we're sick, that's when it makes the advances that we so fear.

Unfortunately, we, collectively, under the direction of this government, have left far too many openings with respect to long-term care and for seniors care here in the province. There's not enough care at the bedside. There's not enough resources. There's not enough communication.

Yesterday, asymptomatic surveillance testing revealed a high number of new cases in a personal-care home.

Will the Premier, today, begin to counteract the failures when it comes to long-term care by guaranteeing asymptomatic surveillance testing at personal-care homes across Manitoba?

**Hon. Brian Pallister (Premier):** I was pleased to see, Madam Speaker, our health experts taking the step of adding asymptomatic testing with a regimen of already active precautionary measures and testing measures that they've launched, and I hope to see that progress continue in earnest as we work together as Team Manitoba to fight the adversary of COVID.

**Madam Speaker:** The honourable Leader of the Official Opposition, on a supplementary question.

#### Parkview Place Personal-Care Home Government Oversight of Facility

**Mr. Wab Kinew (Leader of the Official Opposition):** You know, Madam Speaker, it's a shame that the Premier doesn't believe that it's his job to protect Manitobans from COVID-19. It is his job to protect Manitobans from COVID-19. It's the job of everyone in that Cabinet to work together to try and protect Manitobans from COVID-19.

It's also a shame that he continues to work with a minister who came before this House and said that there was cohorting going on in personal-care homes like Parkview. Come to find out, in fact, they are simply putting dressers, end tables, between those seniors. Madam Speaker, we know that this is the truth.

\* (13:50)

Why is this government continuing to fail seniors, and when will they step in to take control of the Parkview Place personal-care home so that no one else dies?

**Hon. Brian Pallister (Premier):** There's ample reasons for all of us to be fearful and concerned, Madam Speaker, at this unprecedented time, without the member opposite choosing to put phony fear on the record as an attempt to gain some flimsy partisan advantage, which he will not gain because Manitobans are aware of the actions taken by this minister and by this government, and they are also aware of the continuing efforts we're making to keep Manitobans safe.

**Madam Speaker:** The honourable Leader of the Official Opposition, on a final supplementary.

**Mr. Kinew:** Well, I guess, you know, putting an end table between someone with COVID and someone without COVID might seem like a good idea to a Minister of Health who's still trying to court support from the anti-mask movement.

But we know that this approach is failing the people of Manitoba. It is failing—[interjection]

**Madam Speaker:** Order.

**Mr. Kinew:** —the seniors of Manitoba. It is clear, at Parkview Place and at personal-care homes across this province, that we need more staffing. We need more resources. We need better communication with the loved ones for those seniors. We know—[interjection]

**Madam Speaker:** Order.

**Mr. Kinew:**—that the seniors who built this province deserve the best care and attention possible. They have yet to see that from this government.

Will the Premier stand in this place today and announce that his government is going to take control of Parkview Place as part of a broader strategy to turn the curve around when it comes to personal-care homes in Manitoba?

**Mr. Pallister:** It's just a darn shame, Madam Speaker, the member likes to resort to personal harassment and attacks here or anywhere. But it doesn't demonstrate a willingness on his part to encounter his old habits and change them. All I can say is adding new testing sites, introducing an appointment-booking system that's saving people hundreds of hours in terms of wait times, launching a micro-credential offering at Red River College to assist in training people to do testing, working with Doctors Manitoba to offer—*[interjection]* I'm sorry, the member from Point Douglas maybe wants to offer something up; I can add to the list when I'm given an opportunity.

**Madam Speaker:** The honourable Leader of the Official Opposition, on a new question.

#### COVID-19 Testing Contact Tracing

**Mr. Wab Kinew (Leader of the Official Opposition):** It's a very serious topic, one that we should not be making light of. The Premier should commit to letting seniors know how long should they expect to live in a building with cockroaches. At what point will his government step in to ensure that they get the care—*[interjection]*

**Madam Speaker:** Order.

**Mr. Kinew:**—and the staffing that they need? At what point will he silence the misinformation and QAnon conspiracies—*[interjection]*

**Madam Speaker:** Order.

**Mr. Kinew:**—of his Minister of Health?

Madam Speaker, we know that there is so much that—*[interjection]*

**Madam Speaker:** Order, please.

**Mr. Kinew:**—needs to be done.

**Madam Speaker:** Order. Order. Order, please. I'm going to have to call the Minister of Health to order, please, and allow the member to pose his question.

The honourable Leader of the Official Opposition.

**Mr. Kinew:** Thank you for your wise interjection, Madam Speaker.

We are approaching the eight-month mark of—*[interjection]*

**Madam Speaker:** Order.

**Mr. Kinew:**—the pandemic. And all that time, this minister and this Premier have refused to prepare. We're eight months in, and we still don't have adequate contact tracing. All Manitobans stayed inside their homes for more than two months earlier this year to give this government time to hire contact tracers.

Not only do we not have enough, they won't even tell us how much there is.

Will the Premier hire enough contact tracers to help flatten the curve and begin by doing so by telling us: How many contact tracers are currently working in Manitoba?

**Hon. Brian Pallister (Premier):** Dozens being deployed all the time, Madam Speaker; additional through the Red Cross strategy that we've developed and also through StatsCan resources. The tracking issues are very important issues, and they're confounded and complicated by the reality of increased case numbers.

That cause of that, as the member would like to attribute it to the behaviour of the government, is the behaviour of individual people who choose to disregard solid health warnings that have been out there and repeated, advertised and promoted, by this government from the get-go and that will continue to be.

And Madam Speaker, I'd encourage the member to reflect on the fact that his adversary is not me or the Health Minister. His adversary is COVID, and the way to beat COVID is to be part of Team Manitoba. That's what we're doing over here.

**Madam Speaker:** The honourable Leader of the Official Opposition, on a supplementary question.

**Mr. Kinew:** You know, Madam Speaker, it's one of the glaring hypocrisies of conservatism that they always talk about personal responsibility—except when it's time for them to take responsibility.

Madam Speaker, the Premier at this point is saying it's individual Manitobans, he's blaming the

people of Manitoba. But what about his failures? What about his failures to protect small-business owners who are hanging on by a thread? What about his failure to protect seniors? What about his failure to ensure that there is an adequate number of contact tracers so that contact tracing is not merely an academic exercise?

Contact tracing should be used to suppress the outbreak, Madam Speaker.

Again, simple question: How many contact tracers working in Manitoba today, and what is the plan to increase that number?

**Mr. Pallister:** I am completely willing, able, and have been throughout my life, to admit my personal failures, Madam Speaker. I have never been more willing to do that.

I can tell you that, every day, I think about the victims of COVID and their families and friends. Every day, I dedicate myself, as do the people on this side of the House, to addressing this horrible pandemic.

And I would encourage a member who has failed to address his own personal failings on a consistent and regular basis to be very careful about launching personal attacks in this place. *[interjection]*

**Madam Speaker:** Order.

The honourable Leader of the Official Opposition, on a final supplementary.

**Mr. Kinew:** Madam Speaker, the Premier can keep attacking me, and I'll keep standing up for the people of Manitoba.

The failure of this government to protect Manitobans is clear. That is a condemnation of their refusal to help small businesses. That is a condemnation of their refusal to protect seniors. That is their—that is a condemnation of their failing approach to public health.

That's not a personal attack. That is a statement of fact, Madam Speaker. They are not doing enough.

One of the key steps that we need to see is an investment in contact tracing. We also need to see supports for small businesses, so if further public health restrictions do come, that those business owners would go along with them and help us all to flatten the curve.

What will the Premier do today to address his failings when it comes to contact tracing, when it

comes to seniors and when it comes to small businesses in Manitoba?

**Mr. Pallister:** Madam Speaker, the member said that I refuse to accept personal responsibility. I say again, I am totally ready to do that and have done that and will continue to do that. I'd like him to do the same.

He went to the doors, Madam Speaker, in the 2016 election, knocked, asked for support without disclosing his background to the people he asked for support from. That's not an example of accountability. That's not an—*[interjection]*

**Madam Speaker:** Order.

**Mr. Pallister:** —example of personal responsibility. *[interjection]*

**Madam Speaker:** Order.

**Mr. Pallister:** That's an example of irresponsible failure, Madam Speaker, to own up to his own personal failings.

We are focused, on this side of the House, on an adversary, which is COVID. He is focused on scoring cheap political points on the basis of personal attack and misinformation in this place. Shame on him, Madam Speaker, and credit to the people of Manitoba for doing Dr. Roussin's beckoning and listening and keeping themselves safe and keeping their friends and neighbours safe.

Let's stay focused on the real adversary, Madam Speaker. The real adversary isn't the NDP anymore. They created the problems. We're fixing them.

#### **Parkview Place Personal-Care Home Government Oversight of Facility**

**MLA Uzoma Asagwara (Union Station):** It's becoming clearer and clearer by the day that the Minister of Health does not understand what's going on at Parkview Place.

He claims there was a full-time doctor at the facility. We learned from the WRHA and from Revera that that was wrong. He claims that there was cohorting at the facility, but we learned that that just means a bedside table in-between residents. And, worst of all, he claims the deaths at Parkview were unavoidable. According to every expert, that's false.

We know the residents of Parkview need help, and they need it today.

Will the government finally take action and take over control of Parkview Place?

\* (14:00)

**Hon. Cameron Friesen (Minister of Health, Seniors and Active Living):** Madam Speaker, there is a legitimate role for the opposition to play constructively during a pandemic. We would call on them to do it. The wilful repetition of misinformation into the record does nothing to promote the public good. It does everything to promote public lack of confidence. So while they chirp I will list the misinformation the NDP has put on the record in the last week alone.

They said there was no PPE: false. They said there was no N95s: false. They said there was no doctor on-site: there are three doctors available to that centre. They said there was no 'cohorting': cohorting is completely completed now in the first group. *[interjection]*

**Madam Speaker:** Order.

**Mr. Friesen:** I would be happy to continue to answer the questions and put real information on the record.

**Madam Speaker:** The honourable member for Union Station, on a supplementary question.

#### **Maples Personal-Care Home Loss of Life Prevention**

**MLA Uzoma Asagwara (Union Station):** At another home operated by Revera there's an outbreak of COVID-19. Nearly 70 residents of Maples personal-care home have tested positive for COVID, many asymptomatic.

We know the spacing requirements at Parkview were not adequate, and contrary to what the minister says, separating people with an end table isn't cohorting.

We need to make sure that all residents of this personal-care home are properly cared for, and it's the responsibility of the minister to do just that. Revera failed to do the job properly at Parkview; we can't have it happen in any other home.

What interventions is the minister taking at Maples to prevent deaths at that personal-care home?

**Hon. Cameron Friesen (Minister of Health, Seniors and Active Living):** Madam Speaker, the repetition of misinformation into the record by the NDP does nothing to focus on the safety of Manitobans. The opposition said that the region

wasn't responding: false. The opposition said no help had been sent: false. The opposition said there was no communication with families: false. The opposition even said that inspections hadn't taken place: false.

And the Opposition Leader went so far to undermine the chief provincial public officer when he stated that everyone should be moved out of Parkview Place, which we know in Italy and France killed people.

Will the Leader of the Opposition renounce his idiotic comments that would have put Manitobans and the people at Parkview Place at risk?

**Madam Speaker:** Order, please.

I know there's a lot of tension around these issues, and I would just urge some caution in the language that is used. And I would encourage all members on both sides to be careful with the words that you choose to use in the House and not place personal types of comments on the record relating to people or their comments in such a way that it's inflammatory.

The honourable member for Union Station, on a final supplementary.

#### **Private Personal-Care Homes In-Person Inspections**

**MLA Uzoma Asagwara (Union Station):** Madam Speaker, instead of feigning outrage, the minister would serve Manitobans well by answering questions that they desperately need answers to.

The government has a duty, the most important role, in protecting people, especially vulnerable people in seniors homes, Madam Speaker. There are currently outbreaks at least at 16 homes across the province, but the Province hasn't been visiting these homes. That's the government's job: to protect people. The first thing you need to do to protect people is actually visit the homes they're living in.

Will the minister commit to immediately conducting in-person inspections at each private personal-care home that currently has COVID-positive cases and automatically launch inspections into any further outbreaks?

**Hon. Cameron Friesen (Minister of Health, Seniors and Active Living):** Madam Speaker, we reject the preamble. There will be more inspections not fewer inspections completed this year, even in a global pandemic, by our Licensing and Compliance Branch.

We also reject the statements of the opposition party that say that Manitobans don't have a role to play. And I want to quote Lanette Siragusa, the chief nursing officer, who'd said just earlier today: We need you all to buckle down and help protect our health-care resources for those who will require serious medical care over the coming months. Young people may not be at the greatest risk, but your loved ones, your neighbours and your friends are. You all have an important role in ensuring our health-care system continues to have capacity. Let the opposition dispute that.

### **COVID-19 Exposure in School Parental Notification Delays**

**Mr. Mark Wasyliw (Fort Garry):** I'd like to table a document we received from a parent at Linwood School.

In it, the parent tells us that there was a case of COVID-19 at the child's school on October 13th. They weren't notified by public health until October 27th, 14 days later. This parents tells us that only now have they put students into—that cohort into quarantine. This is unacceptable.

I ask the minister: Why is there not timely notification of potential exposures in our schools, and why is it taking 14 days?

**Hon. Kelvin Goertzen (Minister of Education):** Certainly, I can look at the individual case that the member has referenced and has tabled.

I know, in a general sense, Madam Speaker, that public health has been doing a tremendous a job of ensuring that not only are those close contacts identified and alerted in the schools, but then also ensuring that the broader school community is alerted as well.

It's one of the reasons why there has been, as stated by Dr. Roussin, minimal transmission within our schools, Madam Speaker. And we are proud of the fact that there has been minimal transmission. We also know that we do need to continue to be vigilant, and all Manitobans need to be vigilant.

And I will certainly look into this case that the member has raised, Madam Speaker.

**Madam Speaker:** The honourable member for Fort Garry, on a supplementary question.

**Mr. Wasyliw:** Fourteen days from a potential exposure is just far too long. According to this parent, the situation is serious enough to warrant quarantine

at the school, but it's happening 14 days after the fact, after children have been standing in line and playing together, giving further opportunity for this virus to spread.

Why does this minister believe 14 days is an acceptable delay to notify parents?

**Mr. Goertzen:** I certainly did not indicate that it was acceptable, but I would say that I don't always accept the information that the opposition puts forward. We have all learned that the information they put forward, and including yesterday from a member of the opposition, is often false, Madam Speaker. So we will look into the case that the member raises.

But I would say in a general sense, Madam Speaker, that public health and those officials at public health have done a very good job of ensuring that there is notification to the parents and to the close contacts within schools. And that is one of the reasons why Dr. Roussin safely was able to say that we've had minimal transmission at schools about seven weeks into the school year.

**Madam Speaker:** The honourable member for Fort Garry, on a final supplementary.

**Mr. Wasyliw:** Unfortunately, this parent's story is not an isolated incident. We've heard many stories from teachers and parents. They're concerned with the delays in public health notification when there is a risk of exposure.

We've heard of several instances where it's taking far too long for schools to be notified of a positive test result. It's a very difficult situation for schools because they can't take action until they are formally notified by public health.

So I ask this minister again: Why is it taking so long for this to occur? What is the minister going to do today to fix it?

**Mr. Goertzen:** As I've indicated, Madam Speaker, we'll look into the specific case. I won't accept on face value the member opposite's bringing forward the information, because he's not always proven to be a credible source.

But who has been credible has been public health and their officials, who have been working very closely with our schools, beginning early in the summer, to ensure that there was a strong plan. That strong plan has ensured that there has been minimal transmission. There's been strong attendance in schools, Madam Speaker. We are glad to see that

students have been able to continue within the school system and to do so safely.

That is always our overarching principle, to ensure that there is good education, but in a safe learning environment in a pandemic. We appreciate the work that's been done by school officials and by public health. And we'll continue to work with all of them, Madam Speaker.

### **Child-Care System Funding Model Concerns Regarding Regulatory Changes**

**Ms. Malaya Marcelino (Notre Dame):** Madam Speaker, the Pallister government's proposed regulatory changes to child care will allow this government to cut funding to thousands of nursery spots and allow government to double fees in dozens of nursery schools.

The minister has said she has no immediate plans to do so, but we know that just means that she's just waiting for the right moment to cut.

Why won't the minister simply abandon the plan and commit to enhanced funding for nursery school?

\* (14:10)

**Hon. Heather Stefanson (Minister of Families):** The member opposite is referring to a former bill in this Chamber, Bill 9, that also introduced many things, including reducing significant red tape associated with the child-care industry, Madam Speaker. These are many changes that the child-care industry asked for themselves.

We look forward to moving forward with the regulatory changes to ensure that we reduce red tape so that Manitoba families can have the child care that they need when they need it, Madam Speaker.

**Madam Speaker:** The honourable member for Notre Dame, on a supplementary question.

**Ms. Marcelino:** Madam Speaker, the minister told this House and the media that she has no immediate plans to cut nursery schools, but through freedom of information, we have found that this is not the case.

I have tabled briefing notes that show that government is implementing a single-funding model for all nursery school spaces. In other words: enhanced funding for centres and spaces will be cut.

This is the same approach this government took to the special drugs program, cutting those receiving an enhanced benefit.

I ask the minister: Why not maintain enhanced funding for nursery schools and improve upon it, rather than cut, as these documents show?

**Mrs. Stefanson:** Well, the member opposite is just wrong, Madam Speaker, and Manitoba families have been asking for changes to the child-care system that make it more efficient and more effective and that there's child care for those families when they need it.

And that's exactly why we are making changes to a child-care system that under the previous NDP government, they took an ideological approach to child care in our province, Madam Speaker, resulting in backlogs and a wait-list. We know that we're working towards changes to ensure that child care is there for Manitoba families when they need it.

**Madam Speaker:** The honourable member for Notre Dame, on a final supplementary.

**Ms. Marcelino:** Unfortunately, nursery school funding is just the beginning for this government. During the pandemic, the Pallister government increased funding for KPMG to do a full-scale review of the child-care system.

I'll remind this House that KPMG also proposed increasing school class sizes, increasing college tuition, cutting Rent Assist, cutting disability supports and privatizing social housing. In other words, Madam Speaker, cold-hearted cuts that hurt working people, hurt working families.

Why won't the minister improve enhanced nursery school funding, and what is she going to cut in our child-care system, based on yet another KPMG review?

**Mrs. Stefanson:** Well, Madam Speaker, I don't know where to begin with the litany of false accusations that were just put on the record by the member opposite, but what I will tell Manitoba families is that we have been listening to them.

We've heard loud and clear that they have not had a child-care system that is working for Manitoba families, Madam Speaker. That's why we are making changes. We worked with KPMG. We've also worked with Manitoba families to ensure that we have the child care that's there for them when they need it. That's what they've been asking for, that's what they deserve and that's what we will deliver on.

### Northern Manitoba Fishery Future of Freight Assistance Program

**Mr. Ian Bushie (Keewatinook):** As we know, the commercial fishing industry has been hit particularly hard during this pandemic with little to no support from this government. The northern fishers' freight assistance program has existed for many years and supports northern commercial fishers to bring their product to market. It is vital to the survival of many that live in these fishing communities.

Through freedom of information, we have discovered that the program has been put under review by the Pallister government. On behalf of many fisher-fishing communities in my constituency, I want to impress upon the Pallister government how important this program is. Any cuts to this vital program would be devastating.

I ask the minister: Will he commit to leaving the northern fishers' freight assistance program fully funded and intact?

**Hon. Ralph Eichler (Minister of Economic Development and Training):** We're very concerned about the fishing in Manitoba as well, and we want to make sure that programs are right. And I can tell you the minister—we will be dedicated, now and into the future, to make sure fish stocks are going to work well and the health of Lake Winnipeg and make sure that Manitoba's fishers stay profitable.

**Mr. Bushie:** The minister's own department knows just how valuable this northern fishers' freight assistance program is to northern communities.

According to their own internal government briefing documents that I am tabling here today, without this program, and I quote, "a number of northern fisheries will no longer be viable," unquote. And yet, a review of this program is still under way.

I ask the minister: Will he listen to my concerns and the concerns of Manitoba fishers? Will he commit to leaving the freight assistance program whole?

**Mr. Eichler:** Since 2019, our government's bought back \$5.4 million in quota for Lake Winnipeg fishers. This was done in the spring-summer of 2019. We increased the minimum mesh size from three to three and a half inches south of the basin of Lake Winnipeg, April 1st to—of 2020. Angler minimum 'netention' size, 35 centimeters total length for walleye and sauger in Lake Winnipeg, April 1st, 2020.

We'll take no lessons from the member opposite.

**Madam Speaker:** The honourable member for Keewatinook, on a final supplementary.

**Mr. Bushie:** I appreciate the tutelage as to why it's—now fishing has become harder. I appreciate those comments being put on the record.

Frankly, Madam Speaker, the Pallister government has used the appearance of trade arrangements as an excuse to rip up long-standing agreements that help working people. Beef producers saw significant increases in their rents that this government attributed to the New West Partnership. Now saying they're doing a trade review, they are considering ripping up the freight assistance program, which is vital to northern fishing communities.

The government's own officials say that many fisheries are not viable if this program is cut.

Will the government ensure the continuance and support to northern fishers and commit to maintaining the freight assistance program?

**Mr. Eichler:** Fishing's a large part of our economy in the North. We know how important that economy is to the North. And I can tell you, through my own department, through CEDF, we've been working with fishers each and every day to ensure they have the tools, the supplies, the things they need in order to stay healthy and fish for our Manitobans.

### Parkview Place Personal-Care Home Infection Control Inspection Results

**Mr. Dougald Lamont (St. Boniface):** Our hearts go out to residents, families who are struggling with COVID outbreaks in personal-care homes and across Manitoba.

On March 9th and 10th, there was an inspection at Parkview Place we've all heard about. Apparently, the Minister of Health thinks that 10 years of cockroach infections under the NDP justifies four years of cockroach infestations under the PCs.

But what's just as alarming is what wasn't found and what wasn't expected on that—at that time. They only covered 12 of 26 standards, as this document that I table shows. What was missed: complaints, medical care, infection control.

The pandemic was already under way, and personal-care homes were a known risk.

How is that, in March, infection control was left off the inspection list at Parkview Place?

**Hon. Cameron Friesen (Minister of Health, Seniors and Active Living):** That member knows that there was an inspection conducted of Parkview Place in March. That member knows that there was an inspection conducted of Parkview Place only 10 days ago. That member, and all members, should know that another inspection of Parkview Place, as a follow-up, took place just hours ago.

**Madam Speaker:** The honourable member for St. Boniface, on a supplementary question.

#### **COVID-19 Testing for Personal-Care-Home Residents Placement of Seniors in Hotels**

**Mr. Dougald Lamont (St. Boniface):** That's closing the barn door once the horses have bolted, Madam Speaker.

There are currently 12 personal-care homes with outbreaks, and we have family members desperate to get their loved ones out of personal-care homes. An obvious solution would be for this government to immediately test every resident and every staff member at every personal-care home and move residents who are COVID-free to hotels, where they can be safe.

In 'April,' we proposed to this government that they support the hospitality industry by buying up hotels and using—hotel rooms and using them for the public good. We can stop the spread, save lives and support the province's struggling hotel industry.

Will this government 'contick'—commit to testing every resident and pay to place healthy seniors in hotels with supports so they can be safe?

**Hon. Cameron Friesen (Minister of Health, Seniors and Active Living):** So, lots of misinformation there. Let's get to it.

First of all, the member should know that inspections continue, even in COVID-19. The member should know it's not the advice of the Chief Provincial Public Health Officer to be decanting residents out of facilities. The member should know that epidemiology clearly shows globally that people can be transmitting the virus before they are symptomatic, and that is why you don't move someone out of a personal-care home.

Madam Speaker, we are responding, but unlike that member, we will continue to defer to the advice of public health experts and not the leaders of the opposition party.

\* (14:20)

#### **Health Sciences Centre's Women's Pavilion Status of Isolation Unit**

**Ms. Cindy Lamoureux (Tyndall Park):** On March 19th, this PC government sent out a news release, which I table now, that said: A medicine unit will today be relocated to existing clinical space in the former HSC women's pavilion to enable the movement of patients within the hospital campus to create a 30-bed isolation unit.

Madam Speaker, with COVID numbers continuing to climb, I have had constituents reach out to me and ask if this, in fact, did happen, as there has been no evidence of it.

Can the minister responsible confirm if, in fact, there was a 30-bed isolation unit formed, as they committed that they would create one back in March?

**Hon. Cameron Friesen (Minister of Health, Seniors and Active Living):** So the member's asking a question about hospital capacity and whether medical experts and hospital experts are flexing that capacity and making plans to keep people safe in a global pandemic, even as the numbers continue to rise.

The answer to that member's question is, absolutely that is the case, inclusive of plans at the Health Sciences Centre, 'inclusim' of the women's pavilion, to be able to provide for additional capacity, but not just there, right across our system, with the safety of Manitobans focused at all times.

#### **Provincial Park Investments Government Initiatives**

**Mr. Wayne Ewasko (Lac du Bonnet):** Madam Speaker, Manitobans cherish our outdoor spaces and are using them more than ever before in the face of this pandemic. Manitobans know that our government is committed to protecting our environment and our parks for generations to come.

Can the Minister of Conservation and Climate please tell the House how our government is enhancing our parks for the benefit of all Manitobans?

**Hon. Sarah Guillemard (Minister of Conservation and Climate):** And what a great question from this hard-working member for Lac du Bonnet. It allows me to put some facts on the record.

Madam Speaker, our government values our provincial parks. That's why we have made significant investments and upgrades to our provincial park

system. We've just recently opened last week a host of new facilities at Duff Roblin Provincial Park, in addition to over \$16 million in our provincial park improvement across the province.

We've made major investments to our provincial trail network, and we've ended the dangerous practice of night hunting in our provincial parks.

We're committed to making provincial park experience even better for Manitobans. It makes no sense why—

**Madam Speaker:** The member's time has expired.

### **Manitoba Hydro Telecom Hiring of Fairness Monitor**

**Mr. Adrien Sala (St. James):** We've learned that the Manitoba government is hiring a fairness monitor to oversee the auctioning off of Hydro's broadband business. Manitoba Internet service provider businesses have raised their voices to say that this RFP process has been unfair and that it lacks integrity. And now the government, in a telling admission, says that they're going to spend thousands of dollars to hire a consultant to try and pretend that this process has been managed appropriately.

They—the need to hire a fairness monitor at this stage of the RFP process tells us all we need to know about the fairness of it.

Will the Premier face the facts and scrap this tainted RFP process altogether? *[interjection]*

**Madam Speaker:** The honourable First Minister.

**Hon. Brian Pallister (Premier):** I'm sorry, Madam Speaker. Thank you.

What the member for St. James is suggesting is that we should continue with the unfair approach that was taken by the NDP. We'll follow a fair approach, Madam Speaker.

Fairness is important in respect of the dealings with—around Manitoba Hydro. The NDP ignored fairness when it quintupled Manitoba Hydro's debt in its time in office—quintupled, I say, Madam Speaker—from \$5.7 billion in 1999 to \$17.6 billion just 17 years later.

Madam Speaker, there was no fairness involved in the procedures the NDP followed when they, without the permission of Manitoba owners, decided that they would waste billions of dollars.

We'll use fair policies when we make investments with the best interests of the real owners of Manitoba

Hydro in our hearts and minds, Madam Speaker. And the real owners of Manitoba Hydro are not the member from Fort Rouge or the member from Point Douglas, as much as they think they are. The real owners are, of course, the people of Manitoba.

**Madam Speaker:** I would just like to ask if the member for St. James happens to have a head mic with him that he could put on; it's a little difficult to hear him. No? Okay.

The honourable member for St. James, on a supplementary question.

### **Manitoba Hydro-Bell MTS Conflict of Interest Concerns**

**Mr. Adrien Sala (St. James):** The Premier continues to deflect instead of answering the questions because he doesn't have a good answer. Madam Speaker, the Premier and his hand-picked staff's interference in Hydro is ongoing and wrong. Hiring a fairness monitor won't clean up a tainted process initiated from his office.

The Premier knows it's wrong and that perception of conflict is very real. That's why he said the secretary of Treasury Board would never be part of any decision-making process relating to Bell MTS, but we've learned—only thanks to FIPPA—that this was false.

The Premier needs to be clear with this House.

Why did his hand-picked staff not recuse himself from decisions relating to Bell MTS?

**Hon. Brian Pallister (Premier):** Well, the member's standing on a very weak platform, Madam Speaker, because the NDP didn't involve any fairness when they told Manitobans that the bipole waste line was going to cost them not a cent, and it ended up costing \$4.6 billion; or when the NDP leader, in an effort to buy votes from David Chartrand, decided—without a fairness monitor or any element of fairness—to give him \$70 million of ratepayers' money. He wasn't interested in fairness then, either.

So I can only say to the member that he does a disservice to this place, himself, and he may be working at the service of his leader but he's making a big mistake in terms of career advancement when he attacks a public servant—again—in this place. That is a mistake, an error in judgment and demonstrates a clear lack of integrity on the part of the member for St. James. *[interjection]*

**Madam Speaker:** Order. Order.

I'm hoping members would like to hear their own member ask the question.

The honourable member for St.—[interjection] Order. Order.

The honourable member for St. James, on a final supplementary.

### **Manitoba Hydro Subsidiaries Privatization Concerns**

**Mr. Adrien Sala (St. James):** Empty words from a Premier whose insults of Liquor & Lotteries staff forced Liquor & Lotteries management to issue a statement to all their employees reminding them that they're doing a good job.

We know this Premier has admitted to interfering in operations of Hydro and that his interference is costing Manitobans money, and it's now becoming clear that his government is preparing to break off pieces of Hydro to the highest bidder. How else does he explain his continued interference in Hydro International, which is crippling their ability to do business and setting the stage for their financial failure?

Will the Premier commit in this House that no subsidiary of Manitoba Hydro will be wound down or sold off, and will he vote in favour of Bill 203?

**Hon. Brian Pallister (Premier):** Let's be clear, there's a piece of legislation—it was drafted by the previous NDP government and this party supported it—which guarantees that a referendum must be held for the sale of Hydro assets. If the member has a problem with that legislation, he should direct it to his own party, Madam Speaker. If he wants to glorify his presence in this debate, perhaps he should first do some research.

And, Madam Speaker, when he attacks the civil servants of our province—and he does this again and again—he does a disservice to all the people of our province. When he talks about caring and compassion for ratepayers, he forgets to mention that the NDP quintupled the debt of Hydro without consulting Manitobans.

He—I—he regretfully forgets to mention that the billions of dollars that the NDP sunk into wasted investments and forced Hydro to make those investments is a burden. It handcuffs Hydro, and they put those handcuffs on, Madam Speaker. They put them on and now they think they can blame somebody else for doing it, but we all know who did it. It was the

NDP. They made a mess of Hydro. We're going to fix it.

**Madam Speaker:** Time for oral questions has expired.

\* (14:30)

### **Speaker's Ruling**

**Madam Speaker:** I have a ruling for the House.

On March 11, 2020, the honourable member for Union Station (MLA Asagwara) rose in the House to contend that the honourable First Minister and a minister had wilfully misled the House regarding facts related to the feeding of hungry kids and providing funding directly for doing so. The honourable member alleged the misleading statements were made on Wednesday, March 4th, Monday, March 9th and Tuesday, March 10th in this House. Finally, the honourable member alleged that the statements should be found in contempt and that, I quote, "that the matter be moved to an all-party committee for consideration." The honourable Government House Leader (Mr. Goertzen) and the honourable member for River Heights (Mr. Gerrard) also offered service—pardon me, also offered advice to the Chair. I then took the matter under advisement in order to consult the procedural authorities.

I thank all honourable members for their contributions to the matter of contempt.

In raising privilege or contempt, members must satisfy two conditions in order for the matter to be ruled in order as a prima facie case. It needs to be demonstrated that the issue was raised at the earliest opportunity, and that the sufficient evidence has been provided to demonstrate that the privileges of the House have been breached in order for the matter to be put to the House.

The honourable member for Union Station asserted that although the misleading statements were made on March 4th, 9th and 10th, respectively, this period of time was used by the member to consult relevant information, do some research and review publications regarding this very complex matter. I should note for the House that the onus on the member is not to verify what the facts are when raising privilege about misleading the House, but rather it is to provide proof of intent to mislead the House, as a variance of facts is not necessarily proof of intention to mislead.

Further, Bosc and Gagnon advise on page 145 of the third edition of House of Commons Procedure and

Practice that, and I quote: "The matter of privilege to be raised in the House must have recently occurred and must call for the immediate action of the House." Therefore, the member must satisfy the Speaker that the matter is being brought to the House as soon as practicable after becoming aware of the situation. I ask members to keep this in mind when assessing the aspect of timeliness in the future, as I am not satisfied the condition was met in this case.

Regarding the second condition, the noted authority Joseph Maingot advises on page 241 of the second edition of *Parliamentary Privilege in Canada*, and I quote, to allege that a member has misled the House is a matter of order rather than privilege. End quote.

In addition, previous Manitoba Speakers have consistently ruled that in order to prove allegations that a member deliberately misled the House, it is necessary to prove that there was clear intent involved to purposely mislead the House by knowingly making statements that would mislead. Speakers Walding, Phillips, Rocan, Dacquay, Hickes, Reid and myself have all ruled that the burden of proof to demonstrate the intention to mislead is placed solely on the member raising the privilege.

To quote Speaker Hickes on this from a 2011 ruling: A burden of proof exists that goes beyond speculation or conjecture but involves providing absolute proof, including a statement of intent by the member involved that the stated goal is to intentionally mislead the House, as it is possible members may have inadvertently misled the House by unknowingly putting incorrect information on the record.

In 2007, Speaker Hickes also ruled that providing information showing that some facts are at variance is not the same as providing proof of intent to mislead. Also, Speaker Dacquay ruled in 1998 that, without a member admitting in the House that they had stated the goal of misleading the House when putting remarks on the record, it is virtually impossible to prove that a member had deliberately intended to mislead the House.

Finally, the member alleged that this was a matter of contempt. As noted both on page 225 of the secondary—pardon me—of the second edition of *Parliamentary Privilege in Canada*, and on page 60 of Bosc and Gagnon's *House of Commons Procedure and Practice*, a matter of contempt is something which offends the authority or dignity of the House. Bosc and Gagnon go on to say that contempt does not have

to actually impede or obstruct the House or a member, but it must have a tendency to produce such results.

The member has not made it clear that the House has been obstructed or impeded in the performance of its functions, nor have members of the House or House staff been impeded in the discharge of their duties. Nor am I convinced that the authority and dignity of the House have been compromised. I must therefore advise the House that I am not convinced that an act of contempt has been committed, and I would therefore rule the motion out of order as contempt of the House.

Petitions? Oh, the honourable First Minister, on a point of privilege?

**Hon. Brian Pallister (Premier):** I rise today on a matter of privilege—

**Madam Speaker:** On a matter of privilege?

**Mr. Pallister:** Yes, Madam Speaker.

#### MATTER OF PRIVILEGE

**Madam Speaker:** The honourable First Minister, on a matter of privilege.

**Hon. Brian Pallister (Premier):** There are two conditions that must be satisfied in order for a matter raised to be ruled in order as a prima facie case of privilege. First, was the issue raised at the earliest opportunity; and second, has sufficient evidence been provided to demonstrate that the privileges of the House or the members have been breached in order to warrant putting the matter to the House.

On the first condition, now is my first opportunity to raise this matter. The statements I refer to were made today, by the member for St. James (Mr. Sala) in question period. They continue a number of other statements that were made previously in the House as well.

Madam Speaker, on the second condition, the matter I am raising today affects not only the abilities of MLAs to carry out their fiduciary roles, in this House to both govern and oppose, but the very nature of responsible government in our province, with the independent and distinct roles and responsibilities of the public service to advise an act in support of our roles as MLAs.

I sit in this Legislature as an MLA. But it is the privilege that allows me to serve as Premier under our responsible government. Conventions, as the leader of the majority party, I speak to now.

In that direct capacity and linkage, my ability to receive advice from public servants and act upon that advice has been infringed and obstructed by the campaign of personal denigration and character assassination of a senior public servant, the secretary to the Treasury Board, by the official opposition. In doing so, the official opposition has sought partisan gain at the expense of parliamentary principle, through personal attack in this Legislative Chamber. This is unfair and wrong, and it must be called to account.

Before doing so, I wish to state clearly and categorically to all members, the assertions made by the member for St. James (Mr. Sala) are false and without foundation. There is not now, nor has there ever been, a conflict of interest in the matter he has raised repeatedly. No shares of the company he raises in his comments reside in the hands of this particular civil servant. No financial gain was sought, because none could be had. Any communication made by the secretary of the Treasury Board on this matter was at the direction of ministers as a matter of public policy, not for his personal gain, not for his personal interest.

Now, this is a matter of public record, but has been routinely and shamefully ignored by the member for purely partisan purposes I surmise, Madam Speaker.

Now, here is what the member has said, prior to today, when he maliciously defamed the secretary to the Treasury Board by name, and I will not repeat the name of the individual, as I believe that would compound the damage, the harassment that has already occurred.

Quote: there is a clear conflict of interest when it comes to Bell MTS and this individual. That is false. This individual interfered in a \$40-million contract that went to his former company, Bell MTS. That is also false.

Quote again: We now know that the Premier's hand-picked political staff interfered and stopped Hydro from bidding in the Manitoba Network contract. False again. He was, quote, directly involved in this decision-making process. False.

Now, Madam Speaker, repeatedly making one false statement after another does not give an element of truth to that statement, it simply prolongs the hurt and the harm that is done by making those statements.

Two fundamental parliamentary principles are at stake here, Madam Speaker, to which I will speak. The first is the freedom of speech of members to speak

freely without prohibition and with immunity inside this Legislative Assembly. The second is the relationship of the government and the Legislature and the accountability of public servants as expressed by the principles of responsible government.

Absolute immunity to speak freely in a Legislative Chamber without fear of legal action is a long-standing and necessary foundation of parliamentary privilege and our system of representative democracy, as you well know.

\* (14:40)

On April 14th, 1987, the Speaker of the House of Commons, the honourable John Fraser, explained it this way. Quote: There are only two kinds of institutions in this land to which this awesome and far-reaching privilege of freedom of speech extends—Parliament and the legislatures on the one hand, and the courts on the other. These institutions enjoy the protection of absolute privilege because of the overriding need to ensure that the truth can be told, that any questions can be asked, that debate can be free and uninhibited. Absolute privilege ensures that those performing their legislative—their legitimate legislative functions in these vital institutions of government shall not be exposed to the possibility of legal action. This is necessary in the national interest and has been considered necessary under our democratic system for hundreds of years. It allows our judicial system and our parliamentary system to operate free of any hindrance.

But, as every citizen in this country knows and demands, authority as absolute as this must be used wisely. With great power comes equally great responsibility. Wielded recklessly, as is the case before us, can and has caused great harm to the reputation and the wellbeing of a citizen of our province.

Speaker Fraser spoke directly of this obligation when responding to a question of privilege about conflict of interest guidelines on May 5th, 1987. Quote: Such a privilege confers grave responsibilities on those who are protected by it. By that I mean specifically the honourable members of this place. The consequences of its abuse can be terrible. Innocent people could be slandered with no redress available to them. Reputations could be destroyed on the basis of false rumour. All honourable members are conscious of the care, I would hope, that they must exercise in availing themselves of their absolute privilege of freedom of speech. End quote.

And that is why, Madam Speaker, there are long-standing practices and traditions observed in this House to counter the potential for abuse, Speaker Fraser concludes.

In a ruling on a question of privilege on May 21st, 1987, Speaker Fraser expressed concern that an individual who was not a member of the House had been referred to by name. He said in response, quote, "But we are living in a day when anything said in this place is said right across the country. And that is why I have said before and why I say again that care ought to be exercised, keeping in mind that the great privilege we do have ought not to be abused."

I submit, Madam Speaker, that those privileges should never be taken for granted and should never be abused, and they have been abused in this case.

A subsequent Speaker of the House of Commons, the honourable Gilbert Parent, stated in a September 30th, 1994 response to a point of order, quote: "Paramount to our political and parliamentary systems is the principle of freedom of speech, a member's right to stand in this House unhindered to speak his or her mind. However, when debate in the House centres on sensitive issues, as it often does, I would expect that members would always bear in mind the possible effects of their statements and hence be prudent in their tone and choice of words." End quote.

Specifically referring to individuals outside the Chamber on December 3rd, 1991, Speaker Fraser advised the House of Commons at that time to consider constraining itself, quote: "In making comments about someone outside this Chamber, which would in fact be defamatory under the laws of our country if made outside this Chamber."

The member for St. James (Mr. Sala) has unfortunately and unwisely ignored this admonition previously and again today. These repeated, unfounded and unwarranted personal attacks cast all members of this Legislature into disrepute, they expose us to criticisms about abuse of our authority and, thereby, they infringe upon each of our privileges as members.

The United Kingdom joint select committee on parliamentary privilege wrote this in 1999 as they conducted a review of parliamentary privilege, quote: "It is in the interests of the nation as a whole that the two Houses of Parliament should have the rights and immunities they need in order to function properly. But the protection afforded by privilege should be no more than Parliament needs to carry out its functions

effectively and safeguard its constitutional position. Appropriate procedures should exist to prevent abuse and ensure fairness." End quote.

Three recent reviews of parliamentary privilege were conducted in the United Kingdom, in Australia and in New Zealand. An examination of those reviews by the Senate Standing Committee on Rules, Procedures and the Rights of Parliament, in its 2015 review of parliamentary privilege concluded this, quote: "All three attempts at modernizing the law of privilege reflect the change in the relationship between the public and Parliament. All three recognize that today public figures are accountable to the public, and that parliamentarians should exercise self-restraint to ensure that privileges are used responsibly and transparently."

Further on, the Senate committee states, quote: For those matters that fall under privilege parliament should take care in ensuring that it exercises its privileges in a way that respects the contemporary values that parliament seeks to uphold in Canadian society, for example, with respect to human rights and with respect to civil liberties.

The right to freedom of speech in this and other Legislative Chambers is understood to be subject to the necessity test, that such freedom of speech is necessary for parliament to carry out its core functions. Holding the government to account is one core function of any parliament, of any opposition party, particularly.

But Madam Speaker, defaming an individual who is not a member of this Chamber and carrying out this accountability function is not necessary. It equates to bullying. It equates to harassment. *[interjection]*

**Madam Speaker:** Order.

**Mr. Pallister:** I repeat: It equates to bullying and harassment, Madam Speaker. *[interjection]*

**Madam Speaker:** Order.

**Mr. Pallister:** The member for St. Johns (Ms. Fontaine), Madam Speaker, who chirps from her seat knows full well that it is not in our best interests in this Chamber to allow for bullying and harassment to continue. *[interjection]*

**Madam Speaker:** Order.

**Mr. Pallister:** Each of us has a duty to be vigilant. Each of us has a duty to be vigorous in protecting the rights and privileges of this legislative—Legislature. It's a foundational feature of our democratic traditions,

but each of us has an equivalent obligation to be responsible in how we do so.

We do not work in a vacuum here. We work within the constitution of Canada and the individual rights and freedoms which it ensures for each of us and for all Canadians. Put simply, we are not an island or an oasis of privilege, serenely detached from the people we represent and serve. Our privileges inherent in this institution should always be considered within the contemporary norms of our society, and those norms value individual rights. And those norms respect individuals as persons, and those norms protect individuals from abuses. And those norms must do that today, Madam Speaker. Abuses of either executive or legislative power, and those norms abjure harassment of any kind.

Former Supreme Court Justice Beverley McLachlin wrote this on the relationship between parliamentary privilege and the Charter of Rights and Freedoms, quote: Because parliamentary privilege enjoys constitutional status, it is not subject to the Charter as are ordinary laws. Both parliamentary privilege and the Charter constitute essential parts of the constitution of Canada. Neither prevails over the other. While parliamentary privilege and immunity from improper judicial interference in parliamentary processes must be maintained, so must the fundamental democratic guarantees of our Charter. And that means they must be considered together.

As MLAs, we must too consider how what we say in this Chamber fits with the individual rights and freedoms of those who are not in this Chamber, Madam Speaker. It is impossible for any reasonable person to believe that the deliberate and repeated naming of an individual, whether directly or through title, wrongly and hurtfully asserting that person was in a conflict of interest when he was not, is a necessary part of the privilege of free speech in this House.

It is to the issue of public servant accountability I speak now. The second principle at stake in this matter of privilege affecting us all as MLAs is that of responsible government, namely that those who exercise constitutional authority must be part of and responsible to Parliament.

\* (14:50)

Under our system of government, it is ministers and not officials who exercise this authority. Ministers are accountable, individually and collectively, to this Legislature, not their officials. Officials are, in turn, accountable to the ministers. This is the fundamental

underpinning of the relationship between the executive and legislative branches of responsible government.

Public servants carry out their duties on behalf of ministers. They exercise responsibility on behalf of ministers. They are answerable and accountable to ministers and their superiors in government for the discharge of their duties. They are not accountable to this Legislature. Accountability for the actions of public servants resides with elected ministers. In other words, if you want to attack someone in this place, Madam Speaker, attack us. We signed up for the job. But civil servants did not and should not be subjected to those kinds of criticisms in this place or outside of this place, for that matter.

This is the nature of our system of government, Madam Speaker. The Privy Council Office of Canada puts it this way, quote: Deputy ministers have no direct accountability to Parliament because other aspects of accountability beyond answerability do not apply. A deputy may neither commit to a course of action which would require a decision of a minister, nor may he or she be subjected to the personal consequences that parliamentarians might otherwise mete out.

The Privy Council Office goes on to state, quote: Accountability to Parliament is political. Parliament can apply political pressure that may diminish the reputation of an elected official and perhaps threaten the position of the ministry sufficiently to force a minister's resignation. But none of this is appropriate. The Privy Council Office says this, Madam Speaker. None of this is appropriate for non-partisan public servants, yet that is what has been going on here, Madam Speaker, in the last several weeks.

The member for St. James (Mr. Sala) has sought to force such an accountability relationship when it simply does not exist and never has. Public servants must provide advice and information without fear, without favour of political considerations or reprisal. That is the public service bargain struck many decades ago that is the foundation of an independent, non-partisan public servants—service, Madam Speaker.

While public servants may provide advice, it is elected politicians that have the final say. Public servants must obey the lawful direction of ministers, and when they do so, they must be reassured that their names will not become a political football to be kicked around in this Legislative Assembly by opposition politicians at the expense of civil servants, Madam Speaker. Bringing public servants by name

into the political arena is dangerous; it is unwarranted; it undermines our very system of responsible government. It casts aspersions on the motives and the reputations of individual public servants and, indeed, the public service as a whole. It makes it more difficult to recruit people to take on roles in our public service.

And as a premier, I can say frankly, Madam Speaker, that concerns me, and it should concern all thoughtful members of this place. It makes it more difficult to retain people, good people, honest, hard-working people in their roles when they are subjected to unjustified criticisms here in this House for political purposes.

This is something we should all resist, all of us who believe in our very system of government. Public servants do not have the same ability to speak freely with immunity as we do here. They are powerless to respond to statements made about them by MLAs about their professional and personal behaviour. The professional ethos of a public servant, in fact, requires them not to gauge in such a response. In other words, Madam Speaker, when I say bullying, I mean it. Because they are unable, who are attacked in the civil service, to respond in any way to charges made against them.

How can we in Manitoba aspire to recruit and retain the best and brightest of our talented people to serve the public when they know they might be discarded by some collateral damage by a reckless politician in this place? We need to be able to attract good people to serve the public of Manitoba. The antics of the member for St. James (Mr. Sala) put that at risk.

I wish to close now by reminding the members of this House and in particular my colleagues on the other side that the reckless and malicious pursuit of this manner in this manner undermines the core values of an ethical public service this government seeks to enact through Bill 3, our new Public Service Act. Section 4 of that act sets out the values for Manitoba's public service and states, quote: the following values guide the public service in serving the public in an ethical manner: respect for others—treat people with respect, dignity and fairness; and foster a workplace free of harassment, including sexual harassment and bullying.

I submit to this House that the member for St. James supported, sadly, as is obvious by some of the heckling from some members opposite, supported by his colleagues. The official opposition is contravening and flagrantly disregarding these values;

that they are acting to treat people, who cannot defend themselves, disrespectfully, without fairness and in an indignant manner and that they are, in fact, fostering a workplace for public servants that actively invites and supports both harassment and bullying. For a party that pretends to stand at the forefront of such values, despite actually exhibiting the very opposite of that behaviour, while in government and now in opposition, that's a rich irony, indeed.

Madam Speaker, I've raised this as a matter of privilege on behalf of all members of this Legislature and all Manitoba public servants. No premier can remain silent when the integrity of public servants is being challenged in such a reprehensible manner. In doing so, the member for St. James, with a task and approval of his leader, infringes upon the rights of me, as a premier, to receive the professional guidance of a senior civil servant necessary for me to carry out my own duties and to be—and be held accountable for this House and the people of Manitoba. By casting aspersions and suspicions on this individual, the member interferes in this relationship and in my ability to conduct my role as Premier on behalf of all Manitobans.

What is to stop him or his colleagues from abusing their freedom of speech privilege by levering similar charges against any other public servant they wish to taunt and taint and score political points by attacking? What is to stop the member for Fort Rouge (Mr. Kinew) or the member for St. James or the member for Port—Point Douglas (Mrs. Smith) or the member from St. Johns from continuing such attacks on this individual in question, repeatedly, on an ongoing basis, even when they have been denied or disproved, Madam Speaker? Based on their repeated performance, nothing will stop them, apart from your ruling.

Thank you.

**Madam Speaker:** Before recognizing any other members to speak, I would remind the House that remarks at this time by honourable members are limited to strictly relevant comments about whether the alleged matter of privilege has been raised at the earliest opportunity and whether a prima facie case has been established.

**Mr. Wab Kinew (Leader of the Official Opposition):** I find it remarkable that the Premier (Mr. Pallister) could speak so long about privilege without being self-aware of his own privilege.

I'm going to suggest, with the utmost of humility, Madam Speaker, that you rule on this matter very quickly and very immediately because it would stand in the way of us continuing our work here in the House. I'll explain what I mean by that but I just want to put that out there for your consideration right off the top.

The first reason why I think you should dismiss this non-matter of privilege is that we know that matters of privilege must contain a motion and in spite of the extensive preparation that the Premier (Mr. Pallister) and his staff clearly did to prepare for that soliloquy that we were just subjected to, it did not culminate with the Premier moving a motion. So therefore, it is out of order in the form of a matter of privilege.

I also want to argue first on the question of timeliness and here, potentially, you may set a precedent. Typically, we argue that the timeliness criteria is not fulfilled. It's violated because a matter is raised too late. Today I would argue that this was prepared too early.

It is clear, given the scripted words on the page in front of him, citing numerous references that he does not have access to in the Chamber, that this was clearly a prepared maneuver, the intention of which I will arrive at by the end of this rebuttal. However, because this was clearly a pre-set, pre-designed play for your consideration here in the Legislative Chamber, you see clearly that it doesn't match the actual content of what our colleague from St. James brought forward in the Chamber here today. So this may be the first time that a matter of privilege was actually brought for consideration too early.

\* (13:00)

It's clear that the Premier has the intention of trying to silence our colleague from St. James. I hope that he's unsuccessful in doing so, but of course I will leave that to your discretion.

So, again, on the timeliness, first ever matter of privilege that was brought forward too early. Why was it brought forward too early? Because the prima facie category was not fulfilled. Very simply we can disprove the entirety of the thesis of the First Minister's argument. Only MLAs enjoy privilege in the Chamber. Only MLAs enjoy a privilege in the Chamber. It does not extend, as much as we value and valorize and hold in high esteem the staff and others that we work with to work for the Legislative Assembly, it does not apply to them.

And so this should be ruled out of hand as not qualifying as a prima facie case of privilege because the Premier has spent the entirety of his time speaking about a person who does not enjoy privileges inside the Legislative Chamber.

I think you understand the gist of what I'm arriving at there, Madam Speaker. It is a pretty straight-forward argument.

In terms of the privileges of members, I think that those are best thought of in terms of their relationship to those constitutional rights and their human rights that we enjoy. There is no constitutional right to receive advice from staff. There is no human right to receive advice from staff.

And so therefore, I think, on its face, this case should not be considered beyond the time that we're devoting to it this afternoon. Time, I would add, which I find very interestingly that, after the independent Liberals blocked consideration for Bill 44, now the Premier is blocking consideration of his own Bill 44 this afternoon.

I also know that the Premier does not really—well, I suspect he doesn't believe what he's saying, but I can tell you with certainty, without speculating on intent, that he does not abide by what he is saying.

Throughout his career as both Premier and formerly as the leader of the opposition, the member for Fort Whyte (Mr. Pallister) repeatedly attacked people in the public service. This began in his time as leader of the opposition, attacking many people that I know well and that I hold in high regard. I will choose not to name them today, but I think we all know who we're talking about.

Again, this continued through his time in the Premier's office when he attacked my former chief of staff by name, both with privilege in the Chamber and in the media. It's an apples-to-apples comparison, and that is how he chose to govern himself then.

More recently, he sought to attack—*[interjection]*

**Madam Speaker:** Order.

**Mr. Kinew:** —our colleague from St. Johns for her work as a civil servant in the Legislature prior to her career in the Legislative Assembly—*[interjection]*

**Madam Speaker:** Order.

**Mr. Kinew:** Beyond that, we know that the Premier, as was referenced to a CJOB interview in question period today, has attacked the good people who work at Manitoba Liquor & Lotteries. We could go on, but

there have been numerous instances in which the member for Fort Whyte (Mr. Pallister) has attacked people who are civil servants, people who are public sector workers, people who work hard to serve the people of Manitoba.

And so he may not like to have pointed out to him the hypocrisy and the contradictions in his own conduct in the public sphere, but it is germane to your consideration of this issue that he has brought before the House today.

Now, we know that these questions that have been asked by our colleague from St. James are not, in fact, related to any person in Manitoba other than the member for Fort Whyte himself. If you read Hansard today, you will find the question asked by our colleague from St. James was a question as to why the First Minister would make an order, dot, dot, dot, continue on.

Why did the Premier choose to make a decision? If you review Hansard in the past, the question, time in and time out, is why did the Premier see fit to X; why did the Premier decide to Y, and so on and so forth.

Now, we know why this series of questions have been pursued by our colleague from St. James and from other places. It's because, in 2017, in a committee of this House, during the Estimates process, the Premier made a statement about recusal. He made a statement about a recusal, and I will point out that this was actually the same committee hearing in which he attacked my former chief of staff by name, thereby undermining any moral credibility or moral authority he would have to speak on this issue.

But, in fact, he made a point and a statement in that committee about a recusal. Every other time that this issue has been revisited since then has been a reference to that initial point about recusal that the First Minister himself made. So the Premier may like to carry on and may like to work up his caucus colleagues into a frenzy and remind them to stay in their places and please stand and give me an ovation when I'm done, but at the end of the day, he must know that every single question that has been asked has always been a question about his judgment, has always been a question about his failures to ensure proper processes for our most important Crown corporation.

Every question that has been asked has always about—has always been about the mistakes that he has made. The Premier knows this full well; I surmise, at

least, he knows full well. Now, why would he bring this forward at this time? Well, before I arrive at that I also want to suggest that there may be a precedent for dismissing this issue out of hand within our recent experience. I think everyone in the Chamber knows that I like a good matter of privilege. We've learned that this year, amongst many other things, have we not, Madam Speaker?

Now, again, we know that earlier this year we had one matter of privilege brought—brought back in the form of a ruling. This was on the issue of my colleague from Concordia who asserted that the member for Steinbach (Mr. Goertzen) had violated his privileges when the member for Steinbach attacked the superintendent of the Winnipeg School Division. At that time, the time of the ruling, just so that I'm clear, you ruled that this was not a violation of the privileges of the member for Concordia (Mr. Wiebe). I just want to get the proper citation here, Madam Speaker. This is a reference to—well, the quote here I'll give you, rather: However, it is also important to remember that it is not a violation of privilege for a member to express opinions under the protection of freedom of speech. End quote. That is a direct quotation from the ruling, which you so wisely provided to us in a situation which is an apples-to-apples comparison.

So because that was previously ruled to not be a matter of privilege, I am going to, with the utmost of humility, suggest that in this apples-to-apples situation, that this must also not be taken under advisement or ruled to, in fact, to be a matter of privilege. I would suggest that the members opposite know that this is, in fact, a dispute over the facts, meaning that it is not even a point of order, Madam Speaker, which would pose—pose a very interesting question as to why they would bring this forward as a matter of privilege.

Why would a government seek to filibuster their own legislation, which they have devoted political time and effort to earning media towards by blocking and raising a matter of privilege? Why would they do that in a manner which is clearly the wrong format to bring it forward in?

\* (15:10)

Well, Madam Speaker, I'm going to suggest to you that the reason, the rationale, the entire gambit that the Premier is bringing forward here today is a ploy to try and silence the member for St. James (Mr. Sala). Had this been brought forward as a point of order, you no doubt, in your esteemed wisdom, would have ruled it as a dispute over the facts and the

matter would have been dismissed. We would have moved on relatively quickly.

However, we know that when a matter of privilege is taken under advisement by a Speaker such as yourself or any of the esteemed Speakers in any legislature or Parliament, that that matter is no longer subject to debate by members. That that question, that topic, that issue, can no longer be the subject of questions in question period. It can no longer be raised in the Estimates or any committee process before the House.

That if you were to take this under advisement today, effectively, you would be granting the Premier (Mr. Pallister) the ability to evade any sort of questioning in question period, in committee, in Estimates, in debate, in any other form that our hallowed democracy chooses to explore the subjects of the day.

And I would suggest to you, Madam Speaker, that that would do a disservice to the people of Manitoba today, who endeavor to ascertain the truth about this government's failings when it comes to Manitoba Hydro, but it would also do a disservice to the people of Manitoba for years to come. Because all of a sudden, and you heard it at the end of the Premier's speech there, where he effectively said that when a government denies something, it should therefore be off-limits for the opposition to explore afterwards.

If this matter were to be taken under advisement today, we would effectively see a template being granted to governments both today and into the future by which they could avoid accountability in this Chamber.

And I would point out to the members opposite that that would be a matter of privilege. That would be a violation of the rights of the members of this House. That, in fact, if that situation were created, then not only would the right to freedom of speech for our colleague from St. Johns be violated, but in fact the privilege of all members to be able to come into this place and, with open hearts and open minds, to be able to explore the issues that confront Manitobans—that that would be compromised.

And so just to sum up, what I am saying here is that what the Premier is up to is that he is trying to implement a cover-up—a cover-up of his own actions, a cover-up of his own decisions and a cover-up which would effectively stifle the opposition's important work of asking accountability for his own agency when it comes to Manitoba Hydro. But, again, if this

were to set a precedent to any other issue across government, Madam Speaker.

So, again, there are questions here which may rightly be considered disputes over the facts. There are questions here which might rightly be fodder for question period. There are questions here which might rightly be considered topics to explore in the Estimates process.

But this is clearly not a matter of privilege. Privilege is the ability to ask questions in this Chamber. Privilege is the ability to speak freely in this Chamber. Privilege is the ability to show up as an MLA and to represent the interests of the people of Manitoba, even if it makes the government uncomfortable—no, especially if it makes the government uncomfortable, Madam Speaker.

And so, again, this is a very, very serious issue that the Premier has chose to try and pull off here today. It is not a matter of privilege. What, in fact, the Premier has done today is he has brought forward this set play, this prepared statement, in an effort to try and intimidate our colleague from St. James from continuing his line of inquiry.

I can tell you that it may be a little bit anxiety-provoking when you have to ask a question in government and there's the heckling from the members opposite. I would suggest that the anxiety increases when there's, you know, even more stakes raised.

But for the Premier to devote so much of his personal time, attention and mistaken energy to this gambit which he has attempted here today, I can tell you that, very likely, it is causing more anxiety for the member to—of St. James, for other members to be able to do their important work. And that is a real matter of privilege.

So again, not a matter of privilege. Privilege is only enjoyed by members. When it comes to members, those rights are most often thought of as being comparable to constitutional or to human rights, in which case the argument is eviscerated as presented by the Premier. The Premier's own conduct contradicts his supposed concern for the matter.

And finally, and perhaps most importantly, and I would leave you very humbly with this thought, Madam Speaker: that if this matter is not dismissed immediately, if this is even taken under advisement, never mind actually ruled in favour of—if this matter is taken under advisement—[*interjection*]

**Madam Speaker:** Order.

**Mr. Kinew:** –it will be used by this government and others as a get-out-of-jail-free card, as a way to try and silence their opposition critics, as a way to evade the most basic function of this Chamber, which is the opportunity for the people of Manitoba to have voices to bring forward the concerns and hold their government to account.

So with those statements made, Madam Speaker, I would ask very humbly that you not only rule that this is not a matter of privilege, but that you do so without delay and do not take the matter under advisement, so that we can continue on with our important work, whether that be paid sick leave, whether that be standing up for seniors and personal care, or whether that be keeping Manitoba Hydro and all subsidiaries public for now and forever.

**Hon. Jon Gerrard (River Heights):** Yes, Madam Speaker, I have a few brief comments on this matter of privilege.

First of all, I would concur with the Leader of the Opposition that this wasn't a matter of privilege because there was no motion attached to it.

Second, I think if you look carefully at the many, many previous precedents which have been set both by yourself and many, many other Speakers, that you will find that this does not constitute a matter of privilege. And I would ask, Madam Speaker, that when you do so, that you look at the words of the Premier (Mr. Pallister) when he was leader of the opposition, with respect to civil servants. This was an important issue which was raised and it is important now to consider both sides of this coin.

I would also like to remind members— all members—of the words of the MLA for St. Boniface, who spoke recently in this Chamber to emphasize the importance of democracy and the importance of all of us in being careful in what we say, as to its accuracy. It is something that we all need to consider when we speak in this Chamber. The credibility of all politicians is at stake and it is undermined when inaccurate facts are presented by MLAs.

When it comes to senior civil servants, I think it's really important that we make a distinction between individuals who have come up through the ranks of the civil service, who have served people more from—premiers of more than one political party and have done so with great credit to themselves and to others in the government. These are individuals who have

demonstrated the ability to work in a non-partisan fashion for the benefit of all Manitobans.

\* (15:20)

In contrast, there are, from time to time, direct political appointees to very senior levels in the civil service and those political appointees need to have some accountability because they are not familiar. They have not demonstrated the ability to be non-partisan and it is very important that there be some accountability by the Premier in terms of who he chooses to bring in as a senior bureaucrat, in part because those individuals may have a previous track record of partisanship or of actions which are important in terms of being able to evaluate that person's performance in the position—in a senior civil servant's position.

And lastly, I would say—and the other thing about the appointment to high levels of senior civil servants is that at a time when there is a lot of austerity there have been a lot of cutbacks. You know, it—there needs to be some accountability in bringing in people from the outside and giving them very high salaries and salary raises at a time when many people are seeing their salaries decrease and the reductions in expenditures.

The last point I would make is that we have seen, as an example in Ottawa in the last couple of years, where senior civil servants have come before parliamentary or legislative committees and we have, in fact, have senior civil servants come in Public Accounts and at other areas. And I would suggest to the Premier that he might be able to get all-party support for the senior civil servants who he mentioned to come before a committee to defend himself, if that is his concern. There is an opportunity for such civil servants to be able to publicly present at committees, to be able to defend their actions, which happens many time in this Legislature.

And so there is an opportunity, not always taken, but I suggest, Madam Speaker, that that would be a possibility that could be considered and perhaps there might be all-party support for it.

Thank you.

**Madam Speaker:** Order, please. A matter of privilege is a serious concern. I'm going to take this matter under advisement to consult the authorities and will return to the House with a ruling.

\* \* \*

**An Honourable Member:** Point of order.

**Point of Order**

**Madam Speaker:** The honourable Leader of the Official Opposition, on a point or order.

**Mr. Wab Kinew (Leader of the Official Opposition):** I'm just seeking clarity for my own education process as a parliamentarian, but I was under the understanding that a matter of privilege needs to have a motion, so I'd like to understand just why there needs to be a motion—why you can't just dismiss it out of hand without a motion because it's not in the proper form.

So this is a question around the rules, just to be clear. We—*[interjection]*—it—again, everyone knows I like a good matter of privilege and we saw time and time again that we were required to bring a motion before the House before it can be taken under advisement. So I just want to see clarity as to why, in this instance, there was no motion required.

Thank you so much.

**Madam Speaker:** The honourable First Minister, on that same point of order.

**Hon. Brian Pallister (Premier):** Yes, I'd be happy, Madam Speaker, to give clarity to the member's request, by adding the words at the end that are appropriate to put in motion form.

I thought it was implicit in the comments that it was a motion I was bringing, and I said in the intro—*[interjection]*

**Madam Speaker:** Order.

**Mr. Pallister:** —I said in the introduction to my comments, Madam Speaker, but I can say it again if the member wants and bring a motion forward to ask it to be considered as a motion of privilege.

**Some Honourable Members:** Oh, oh.

**Madam Speaker:** As I have indicated, I have indicated I will take this under advisement. I would also indicate that whether there is a motion and a seconder as part of it, that will be part of my response that I bring back in the ruling, and that will be part of the ruling.

So, when I deliver my ruling, I will be addressing that component of it that the member has raised, and I would indicate that he does not have a point of order at this time.

**PETITIONS****Cochlear Implant Program**

**Hon. Jon Gerrard (River Heights):** Madam Speaker, I wish to present the following petition to the Legislative Assembly.

The background to this petition is as follows:

People who suffer hearing loss due to aging, illness, employment or accident not only lose the ability to communicate effectively with friends, relatives or colleagues; they also can experience unemployment, social isolation and struggles with mental health.

A cochlear implant is a life-changing electronic device that allows deaf people to receive and process sounds and speech, and also can partially restore hearing in people who have severe hearing loss and who do not benefit from conventional hearing aids. A processor behind the ear captures and processes sound signals which are transmitted to a receiver implanted into the skull that relays the information to the inner ear, the cochlea.

The technology has been available since 1989 through the Central Speech and Hearing Clinic, founded in Winnipeg, Manitoba. The Surgical Hearing Implant Program began implanting patients—*[interjection]*

**Madam Speaker:** Order.

**Mr. Gerrard:** —in the fall of 2011 and marked the completion of 250 cochlear implant surgeries in Manitoba in the summer of 2018. The program has implanted about 60 devices since the summer of 2018, as it is only able to implant about 40 to 50 devices per year.

There are no upfront costs to Manitoba residents who proceed with cochlear implant surgery, as Manitoba Health covers the surgical procedure, internal implant and the first external sound processor. Newfoundland and Manitoba have the highest estimated implantation costs of all provinces.

Alberta has one of the best programs with Alberta aids for daily living, and their cost share means the patient pays only approximately \$500 out of pocket. Assisted devices program in Ontario covers 75 per cent of the cost, up to a maximum amount of \$5,444, for a cochlear implant replacement speech processor. The BC Adult Cochlear Implant Program offers subsidized replacements to aging sound processors through the Sound Processor Replacement

Program. This provincially funded program is available to those cochlear implant recipients whose sound processors have reached six to seven years of age.

The cochlear implant is a lifelong commitment. However, as the technology changes over time, parts and software become no longer functional or available. The cost of upgrading a cochlear implant in Manitoba of approximately \$11,000 is much more expensive than in other provinces, as adult patients are responsible for the upgrade costs of their sound processor.

In Manitoba, pediatric patients, under 18 years of age, are eligible for funding assistance through the Cochlear Implant Speech Processor Replacement Program, which provides up to 80 per cent of the replacement costs associated with a device upgrade.

It is unreasonable that this technology is inaccessible to many citizens of Manitoba who must choose between hearing and deafness due to financial constraints because the costs of maintaining the equipment are prohibitive for low-income earners or for those on a fixed income, such as old age pension or Employment and Income Assistance.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to provide financing for upgrades to the cochlear implant covered under medicare, or provide funding assistance through the Cochlear Implant Speech Processor Replacement Program to assist with the replacement costs associated with a device upgrade.

This petition is signed by Bill Sanderson, Deb Butler, Dexter Kowalchuk and many, many other Manitobans.

Thank you.

**Madam Speaker:** In accordance with our rule 133(6), when petitions are read they are deemed to be received by the House.

\* (15:30)

#### **Dauphin Correctional Centre**

**Mr. Jim Maloway (Elmwood):** Thank you, Madam Speaker. I wish to present the following petition to the Legislative Assembly.

The background of the—to this petition is as follows:

(1) The provincial government plans to close the Dauphin Correctional Centre, DCC, in May 2020.

(2) The DCC is one of the largest employers in Dauphin, providing the community with good, family-supporting jobs.

(3) Approximately 80 families will be directly affected by the closure, which will also impact the local economy.

(4) As of January 27, 2020, Manitoba's justice system was already more than 250 inmates over capacity.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Justice to immediately reverse the decision to close the DCC and proceed with the previous plan to build a new correctional and healing centre with an expanded courthouse in Dauphin.

And this petition has been signed by many, many Manitobans.

**Madam Speaker:** Are there any further petitions? If not, I will move on.

Grievances?

#### **ORDERS OF THE DAY**

#### **GOVERNMENT BUSINESS**

**Hon. Kelvin Goertzen (Government House Leader):** I'm going to try my luck again.

I'm seeking leave of the House to consider today all remaining stages of Bill 44, The Employment Standards Code Amendment Act, including allowing the bill to be referred to the Committee of the Whole immediately following the passage of the second reading motion and allowing the House to not see the clock today until royal assent has been granted for the bill.

**Madam Speaker:** Is there leave of the House to consider today all remaining stages of Bill 44, The Employment Standards Code Amendment Act, including allowing the bill to be referred to the Committee of the Whole immediately following the passage of the second reading motion, and allowing the House to not see the clock today until royal assent has been granted for the bill?

Is there leave? *[Agreed]*

**Mr. Goertzen:** I thank the members of the House for the leave granting.

Could you please call then for second reading Bill 44, The Employment Standards Code Amendment Act?

## SECOND READINGS

### Bill 44—The Employment Standards Code Amendment Act

**Madam Speaker:** I will now call second reading of Bill 44, The Employment Standards Code Amendment Act.

**Hon. Scott Fielding (Minister of Finance):** I move on behalf of the Premier (Mr. Pallister), seconded by the Minister of Education (Mr. Goertzen), the Bill 44, The Employment Standards Code Amendment Act, now be read a second time and be referred to the Committee of the Whole.

#### *Motion presented.*

**Mr. Fielding:** I'm pleased to rise to provide comment on this very much important bill.

Since early on in the pandemic, our government has been a vocal advocate for a national paid sick leave program for workers affected by COVID-19. Providing workers with paid leave is an essential step in helping reduce the spread of the virus, and relieves workers from having to make a difficult choice between earning a paycheque and protecting the health of themselves, their families, as well as their co-workers, Madam Speaker.

We are pleased that the federal government has responded to calls for a national sick leave program, and we're now making changes to The Employment Standards Code to ensure that all workers, Madam Speaker, all workers in Manitoba who are eligible for the new Canada Recovery Sickness Benefit and Canada recovery caregiver benefit can take job-protective leave of absence to access these important benefits.

While Manitobans have already entitled—while Manitobans are already entitled to job-protection leave for a variety of COVID-19-related circumstances under legislation we passed in April, the proposed amendments will ensure that there's no gaps between our code and eligibility requirements for the new federal benefits.

Specifically, we are adding job-protection coverage for workers who need to be absent from work because they have an underlying condition and

are receiving—or are receiving treatments and have other illnesses that make them more susceptible to COVID-19.

We are also adding some flexibility to make adjustments to the code's public health emergency leave provisions through regulations, Madam Speaker, as we know that the pandemic is constantly evolving, and that gives us some ability to adapt to new circumstances as needed.

We consulted with the Labour Management Review Committee on this proposed legislation, and we're pleased that the committee is supportive of the changes and I'd like to thank them for their input.

Thank you.

## Questions

**Madam Speaker:** A question period of up to 15 minutes will be held. Questions may be addressed to the minister by any member in the following sequence: first question by the official opposition critic or designate; subsequent questions asked by critics or designates from other recognized opposition parties; subsequent questions asked by each independent member; remaining questions asked by any opposition members; and no question or answer shall exceed 45 seconds.

**Mr. Tom Lindsey (Flin Flon):** I guess the first question I would ask is, can the Premier (Mr. Pallister) please elaborate on the benefits of paid sick leave for all Manitobans?

*Mr. Doyle Pivniuk, Deputy Speaker, in the Chair*

**Hon. Scott Fielding (Minister of Finance):** Our government is very proud that we are, in fact, I think the first government—in fact, we are the first government to introduce sick leave. It was our hope that it would be introduced and passed on Monday, but it is important to be a part of it.

It's something that we're very proud of the fact as the Premier, a Conservative premier, as well as an NDP premier from BC as well as a Liberal Prime Minister of Canada, all agreed upon this to make sure there's a program that's in place, and we think that COVID-19 to the member's point is important. And we want to make sure that the sick leave parameters are there so people don't have to make tough choices of paycheque or protecting themselves and their families.

**Hon. Jon Gerrard (River Heights):** Yes. My question to the minister relates to clause 4, which

deals with the requirement or the potential requirement of a physician's note with regard to getting leave. It seems to us that this is not the way to go, that doctors in this case don't want to be gatekeepers; they want to spend their time helping people.

This would be—add an additional inconvenience, can potentially put people at risk, going to doctor's offices, and, indeed, because of the cost of paying the doctors to see the visits and so on, it's a waste of taxpayers' money—

**Mr. Deputy Speaker:** The honourable member's time is up.

**Mr. Fielding:** Mr. Deputy Speaker, the requirement for sick leave note is not in the part of the bill. What—if you want to get support from the federal benefit as well as the leave that we're granting here, you have to attest that you have a condition or one of these items.

There is appropriate measures at the federal level because it is a federal program. If you, you know, aren't telling the truth about those things, you can attest to it. And there is an ability for the federal government specifically on the benefit to get the money back if there is—if people attest to something and it's proven that they're not being truthful with their conditions.

**Mr. Lindsey:** So that was something that we explored a little bit during the bill briefing, was that if an employer decides that someone isn't really in need of these benefits, they can be disciplined, they can be fired, they can be not paid, and the worker would have to go to the Labour Board and somewhere down the road get reinstated, get their wages paid.

Can the minister explain to us why he wouldn't want to include something about the presumption of truth when a worker, particularly during these COVID times, says that they need to take this leave rather than potentially—

**Mr. Deputy Speaker:** The honourable member's time is up.

**Mr. Fielding:** Well, I do say, to the point, I didn't hear the full question by the member because he was cut off, but, in terms of the legislation, it is important to attest these types of things. Again, if they're applying for the federal benefit, not a provincial benefit or a part of this, there can become some complaints made out to Employment Standards; that's a part of it.

But what we want to make sure is that people don't have to go necessarily get a note from the doctor's. We know during COVID, because of the

contagious nature of it, we want to make sure that people are staying home, and so they do have to attest at the federal level in terms of the benefit as being part of it. They can be reported, I guess if you will, to the Employment Standards if inaccuracies are given within the attestation that they provide.

\* (15:40)

**Mr. Gerrard:** I have in front of me for the minister a note or a—the federal statute, and, in fact, it gives the Governor General-in-Council the power to make regulations respecting certificates issued by health-care perfect—practitioners to make sure that they don't apply and that they are alternative requirement conditions. Surely, the contact tracing and the identification of who's positive should provide the information without having to go to the doctor.

**Mr. Fielding:** While I can't speak to the specific benefits of the federal program because it is a federal program, I can tell you there is checks and balances that are put in place in terms of that respect, I believe, from the federal level. Although it's not a provincial program, the benefit program, if someone attested to something and it's found that later on that it's not truthful, there is an ability for the federal government, probably through the income tax system, to get that money back; in fact, double that amount. So, let's say an individual gets \$1,000, maybe two-week leave for that and it's deemed to be something that is not truthful, there is an ability for the federal government to get that benefit back.

**Mr. Lindsey:** So, while we're in favour of this bill, because we believe that workers should be entitled to paid sick leave, not just during COVID times but all the time, this really should've been brought forward long ago.

Can the Premier (Mr. Pallister) explain why it's taken so long for his government to introduce this bill? Why wasn't it done sooner?

**Mr. Fielding:** Well, the member did vote on the parameters that we introduced in April. I'm assuming he was there for the vote. So that parameter was in place.

What this legislation does, it changes, as there was an agreement between the federal NDP and the federal Liberals to expand the parameters of why someone would be off to include things like higher risk factors that's there, that paid sick leave is something that our Premier and the NDP Premier from BC and a Liberal Prime Minister agreed to in the

Safe Restart Agreement that was negotiated between the federal government and provincial governments.

And we're very proud of the fact that we're the first government to introduce sick leave parameters. It was our hope that we would have it passed by Monday, but that wasn't meant to be because we had—obviously, one of the parties blocked the legislation.

**Mr. Gerrard:** To the minister in follow-up, it seems to me that the government has identified everybody who is COVID-positive by test, that the government has put in place a contact-tracing system so that anyone who is a contact is identified, and surely, this can be the system that would identify people who are affected—are infected by COVID-19 and people who are contacts who are being asked to self-isolate.

So the government has a very easy system to do this analysis. It's probably a lot more robust, in fact, than going to a doctor's office and requiring all this extra work.

**Mr. Fielding:** Well, I think I did cover that off, but I do want to make sure I've got the right wording for the member on the record. So employers must demonstrate to Employment Standards that they didn't punish a person because they took the leave. The onus is on the employer. The onus is, again, is on the employer to show that they didn't contravene the code.

So it is in place. We think the appropriate levels and checks and balances are there. At the federal level, again, someone needs to attest to that, so it's an emphasis, and no other province has that note component that's there because we know how contagious COVID-19 is. So we think the parameters are in place. There is some checks and balances to make sure. There is also an ability to do some additional regulations if there is some concerns on either—

**Mr. Deputy Speaker:** The honourable minister's time is up.

**Mr. Lindsey:** So how will the government promote and advertise that paid sick leave is available for all working people in this province?

**Mr. Fielding:** Well, I think, obviously, through the media—the media covers a lot of our background—through our normal ways, through we—communications, through things like newsletters, through things like the employers, through labour management.

We reviewed this legislation through the labour-management agreement, so there's people that are part

of the management sector. So we'll encourage them, obviously, to get that information out to them as well as to some labour groups. That's also part of the labour management as well as the government communications. We want to make sure that people do not have to make the choice between being sick and a paycheque, and we want to make sure they're protected.

So in every mean possible, we're going to communicate this to make sure employers and employees know of their rights.

**Mr. Gerrard:** My question—follow up for the minister, is this. The—we have called and, in fact, written to the Premier (Mr. Pallister) suggesting that individuals who have a second period of quarantine be covered for that second quarantine, because currently, it is only for one period of quarantine or self-isolation for 10 days. But there will undoubtedly be individuals who have to quarantine or self-isolate for more than one occasion. In fact, I know of such an individual.

Will the Province put up the funds so that there could be, when it happens, a second week of isolation needed—

**Mr. Deputy Speaker:** The honourable member's time is up.

**Mr. Fielding:** Well, thank you very much. And so, as mentioned, this is a federal program that was established through the Liberals in Ottawa, through NDP premiers, all premiers across the country. That is a program that was established through that Safe Restart Agreement. That's a part of it that's there. We know infection times are anywhere between 10 to 14 days. It's not a provincial benefit program, so I would suggest to the member that if that is an important clause that he'd like to, then he has some discussions with Ottawa in respect to that. I think that is important.

I would say in terms of the caregiver benefit, it's over a half year—26 weeks—that someone can apply for. That is a long period of time, over a half a year. The EI system, depending on criteria, would be open to someone after that, but that is a federal program, so asking your federal colleagues would be a better—

**Mr. Deputy Speaker:** The honourable minister's time is up.

**Mr. Lindsey:** So you talked a little bit about what would happen if a worker was sick for longer than a two-week period. And during the bill briefing, we very specifically asked you if a worker could apply

more than once or if there was a time limit, if they could reapply if they weren't ready to return. And what you—your people had said at that time, if you're sick more than once, you can apply more than once, and no restriction on length of time. So it—this seems to be somewhat different than what we were told during the bill briefing.

Could you clarify that?

**Mr. Fielding:** Yes. I would be able to clarify that. Number 1, it is a federal benefit program, so that is between the federal government in terms of the criteria for the program. I can tell you that we do allow leave more than once. That's in the provincial level, and that's what we're talking about here, again: providing leave that has been in place since April for two of the parameters. The only thing that has changed is additional criteria that was established at Ottawa, though we meet—to make some leave parameters as a part of it.

So for our—it's a unlimited amount of time that you could take off, and you are able to apply for it a second time at the provincial level. The benefit is something that the federal government would have to decide to in terms of the benefit portions. They're handling that.

**Mr. Gerrard:** The minister has emphasized that this is a federal program, and it's my understanding, and maybe the minister can correct this if I'm wrong, that all the funds flowing to people on—through this program will be coming from the federal level and that the only funds that the province will be spending is on the communications effort around this program. Is that right?

**Mr. Fielding:** There was an agreement between the Prime Minister and all the premiers in the country in terms of the sick leave parameter. Our Premier (Mr. Pallister) here in Manitoba was a leader in terms of promoting the sick leave portions of things. It was included, a part of the Safe Restart Agreement with the federal government. There's significant amounts of money that we are investing. In fact, the Parliamentary Budget Office suggests that we're second or third amongst the provinces that's a part of it.

A part of this agreement, what we're debating here, is providing leave, which is still already open. There's one parameter that was changed in terms of your risk factors. You'd be able to apply for a leave here. The programming, the benefit portion, was established with the federal government. They have

the commitment that's there. I can tell you this is something to talk to the federal officials with it. It's very similar to the—

**Mr. Deputy Speaker:** The honourable minister's time is up.

**Mr. Lindsey:** So can the minister explain to us: Will this government support permanent paid sick leave after COVID-19 pandemic ends?

\* (15:50)

**Mr. Fielding:** Well, the legislation that we had passed, that I think had unanimous support from members from all different sides of the aisle here, supported people when they need—if they need to isolate, if they need some time off, they're providing care for a child or, kind of, a loved one, I guess, if you will. So that is what the legislation is. The legislation before us here expands that leave provision and, again, we're the first to offer this sick leave provision from across Canada. That's a part of it. We think it's important to support people when they have diseases like COVID-19.

**Mr. Gerrard:** Yes, the—as the minister has pointed out, this is a federal benefit program. The dollars that come to people are directly from the federal government and that this program is operable right now, before this legislation is passed even. But the importance of this legislation is, in part, that it makes sure that it protects the individuals from the possibility of being fired when they are taking such a leave. Is that correct?

**Mr. Deputy Speaker:** The honourable member—the honourable Minister for Finance.

**Mr. Fielding:** Yes, we're the first provincial government to pass this legislation, that goes upon—above and beyond the legislation we passed that had unanimous support from the House here, in terms of providing sick leave for individuals; again, if they're caring for an individual, if they're isolating, these things. And we added some parameters. We're very proud of the fact that we're able to work with the federal Liberals and other premiers from across political spectrums across the country to support this. We want to make sure that Manitobans are protected.

**Mr. Deputy Speaker:** Time for question period has expired.

### Debate

**Mr. Deputy Speaker:** The floor is open for debate.

Any speakers?

**Mr. Tom Lindsey (Flin Flon):** I do want to put a few words on the record here about this bill. It's been awfully late in coming to the debate table, and certainly, we support the paid sick leave provisions for workers in this province.

I guess we're somewhat concerned we didn't hear the minister say that when COVID-19 has run its course, that they would fully support paid sick leave for workers going forward. So that's something that we will pursue going forward.

The things that are important here are to make sure that working people are fully aware and understand that they can take the time they need, which is why we asked during the briefing if the time had a limit, or if a worker could take more than one leave if they thought they were sick and took leave and then, lo and behold, something happened and they go back to work, but then, a month later, they're sick again.

So we want to make sure that this is not just limited to one instance, particularly during these times where we're really wanting people to stay home anytime they're feeling under the weather, not sure if they have COVID, not sure if they have the normal flu, a cold, or what it is. So we want to make sure that those provisions are actually there, and that they're fully understood that anytime a worker is not feeling well, that they have symptoms, that they're entitled to take this leave.

The troubling thing for me with the bill is that there's still a certain pressure put on working people anytime it's left up to the employer to decide whether whatever it is they're doing is, in the employer's opinion, justified. And if the employer decides that, no, you come to work, what choice, then, does the worker have?

They come to work knowing full well that they've been exposed to somebody, knowing full well that they're not feeling well, or they stay home, which is the right thing to do, and which is really what we're trying to encourage people to do. But then the employer decides, well, I told you I didn't believe you, so I'm not paying you, I'm going to fire you. Well then, that worker has to go to the Labour Board and take however long that process takes before they get paid; they get reinstated.

So there's still quite a bit of intimidation—real, imagined; some employers—not all, certainly—that's going to discourage working people from staying home, potentially, when they're sick. And it's kind of

a shame that as a government they've decided that we'll trust employers but we won't trust workers, which, you know, if another circumstance, amendments to the bill, we don't want to spend a lot of time talking about this, we want to get it implemented. Bills can always be made better, so, I mean, somewhere down the road, maybe we'll propose something that covers this off and, hopefully, the government sees the importance of that.

The other thing we talked a little bit about during the question period is how's the government going to make sure that working people know about this bill, and some of the things that they proposed are presently the best way that workers have of finding out what's going on, and that's from their unions.

Certainly, we believe that the government should be advertising this, once it's passed, far and wide in local papers, local radio stations, wherever workers are likely to hear it. I know that other bills that this government has introduced, they've done away with advertising in local media. Certainly, this is one where it is so important, particularly now during COVID, that everybody is aware that these provisions are in place and everyone is aware of how they can access these leave provisions and really understand what the process is. So, I would strongly encourage the government to make sure that this benefit program is fully understood by everyone.

Of course, the other thing I would like to see is that the provincial government step up and put some money where the Premier's (Mr. Pallister) mouth is. He likes to say that, well, he's the first one to agree to this and he was a champion of paid leave; well, he was a champion of paid leave as long as it didn't cost the Province any money, which is true with most of his benefit programs that he's put forward is—he's a great believer in them, as long as it doesn't cost any money.

So, we really want to see these provisions expanded post-COVID so that workers know, even with the seasonal flu, the right thing to do would be to stay home if they're sick. But if you're not going to get paid, workers aren't going to do that. Because so many workers living on the miserly minimum wage that this Province has imposed on working people simply can't afford to stay home. They don't have that luxury.

You know, even back when I was working for a mining company in a previous life, people that were on staff got paid sick leave. So, they had the ability to stay home if they weren't feeling well. People that were unionized did not have that same provision in

their collective agreement. We had a sick benefit program that allowed you to collect not enough money to live on after you'd missed a certain number of days.

So, working people, again, were forced to come to work when they weren't feeling well, when they knew that the right thing to do was stay home. So, we really need to make sure that the provisions in this bill are fully understood. We really need to make sure that the government makes sure that workers are protected and that they will remain protected from bad employers.

And make no mistake, Mr. Deputy Speaker, I don't want to cast 'aspergions' on all employers; there are some very good employers out there, but we all know there's also some employers that aren't that good. We also know that with COVID right now, there's employers that really are hurting themselves and really can't afford to be short workers because they're already short-staffed.

I mean, take a look at the health care, for heaven's sakes. They're running short-staffed at the best of times, and with workers potentially being exposed to COVID or their family members, it's going to make it even tighter. So there needs to be some help for some of those employers to make sure that they can weather the storm, if you will, is all.

\* (16:00)

This bill allows the federal government to pay people to be sick. I'm not sure that it's going to help in some small workplaces where they don't have sufficient staff to cover staff shortages. So that's another piece to the puzzle that so far this Pallister government hasn't really taken to task and figured out how to address that.

I mean, they've—well, they've certainly attacked workers that were taking the federal benefits and staying home previously. They've accused them of being lazy and done everything in their power to get people back to work, which sometimes sends the wrong message, right, that people needed to get back to work, whether they were sick or not, whether they were ready or not, whether they had a sick child at home, whether they had so many other things that were 'perspending' them that the whole messaging from this government was sending the wrong message to those people.

And now when we see the numbers of COVID cases spiking and going up every day—every day—we really need to make sure the government is sending

the right messaging out that if you're sick, stay home. If you're sick, stay home, and we'll make sure that you can afford to stay home.

So the federal government has done part of that. They've provided this benefit to working people, but it's really time for the Province to step in and step up and do their part to help working people in this province. I know they've really wanted to attack labour at every chance they've got, right from the time they got elected and every bill that they've introduced shows less respect for workers.

So, really, this would have been the ideal opportunity for the Pallister government to step up and say, you know what, we appreciate, particularly all you front-line workers, that you've come to work, you've exposed yourselves, you've allowed yourselves to be exposed to COVID, you've allowed your families to potentially be exposed. So we want to make sure that we look after you. And there's a couple of ways they can do that, right?

One would be to immediately step in and change the minimum wage into a living wage, so that working people can afford to live. They really could make sure that that wage was sufficient, that working people didn't have to work two and three part-time jobs to try and make ends meet. So they could do that. I suspect they're not going to, which is really a shame.

*Madam Speaker in the Chair*

Because even for a short-term thing, there's things that the government could have done to show their respect for working people in this province, which would be to put some of their own money on the table and say, you know what, we appreciate people working in this province and we appreciate that there's circumstances where you'll need to stay home. And yes, the federal government has given you some benefit. Now we want to make sure that that benefit is sufficient and we want to make sure you're properly protected.

So, I mean, this, I guess, is better than nothing. So we need to really encourage this Pallister government to take off their ideological blinders and really come to respect working people and offer them benefits to help them stay healthy, to help their families stay healthy. We need to encourage this provincial government to step in and help small businesses.

I know now that the restrictions are back in place on some of the northern communities. Some of those small businesses are going to be in a world of trouble, as are people that work for them. So I'd strongly

encourage the government to actually get involved financially and offer benefits to those employers and those workers that are real and meaningful and will allow businesses to survive but also allow workers to survive and keep their families safe.

So, you know, there's a lot of things that the government has done and done wrong. This is a small step in doing something right, I guess.

I don't really understand what the Liberal Party's thinking process was—don't claim to understand what their thinking process is on a good day. But why they would deny leave on this bill in the first place, to deny leave for us to have a debate about it and make suggestions for changes and things like that, so now they've said, okay, we, I guess, realize the error of our ways so we can go ahead and agree to the leave provisions to get this bill passed as quickly as possible. It's kind of a shame. We could have done that a couple of days ago, but that is what it is.

So I just want to really get back to some of the things that we think are important and that's really to encourage employers—if it's not in act, maybe there's something in the regulation that can be done to encourage employers to treat their employees with respect and have the presumption of truth when it comes to a worker saying, I'm sick, I need to take time off, I have a family member that's sick, rather than making them go through the arduous procedure of going to the Labour Board and maybe some day getting paid.

Really, the whole point, again, is to make sure that workers know that their jobs are protected, that their families are protected, that they know they don't have to go to work, when in some cases they may full well know they shouldn't be going, but do I put food on the table today or do I stay home and don't put food on the table? Working people shouldn't have to make those kind of decisions—well, nobody should have to. You know, it's kind of a shame that there are so many people so destitute that they make those kinds of decisions every day of the week.

So, you know, one of the things that comes into this that we haven't really talked about at all is that, you know, people up north that may need to come to Winnipeg for medical treatment, will this benefit cover a family member or a friend acting as an escort, seeing as this government refuses to provide really quality, equity access for so many in northern Manitoba to come to Winnipeg or wherever to get the health care they're entitled to.

So I hope that the provisions of this piece of legislation would help those people, seeing as this provincial government has done absolutely nothing to make health care accessible, to assist people in getting to the health care they need. In fact, they're—very punitively suggested that there needs to be some further changes to the northern patient transportation thing that will make it more difficult for people in the North.

So if this bill doesn't help a family member take time off to act as an escort—whether it's COVID-related or not, because there's so many seniors that travel to the south for the medical care they need and, you know, we need to make sure that this is going to cover them off for that.

Some of the issues that, of course, will come up going forward will be some of the provisions around the regulations that the government will put into place and, of course, as we all know, the regulations don't come to this Chamber to be discussed. The government just passes the regulations themselves, so they could have the opportunity to put the presumption of truth in those regulations.

\*(16:10)

The bill, as it's presently structured, says at some point there'd be a regulation that will bring two conditions that might apply. So as they move forward, as the government moves forward and workers are trying to access this benefit, we really need to be cautious that the regulations don't become the stumbling block that prevents working people from accessing these benefits. The devil is in the details, as they say. And in this case, the details aren't necessarily in the act, they'll be in the regulation and the policies that come out of the regulation.

So we really want to caution the minister, and the Premier (Mr. Pallister) and his government, to make sure that the regulations aren't contrary to the spirit of what's been attempted here, which is to make sure the workers know that they have that benefit. If the regulations on conditions are developed in the future are so restrictive that it negates the whole purpose of the bill, then it becomes really like a lot of other things that this government has talked about where they've thrown out big numbers for COVID relief programs that have been horribly undersubscribed to because the qualifications are such that so many businesses, so many working people, so many things that supposedly these benefits were supposed to apply to don't. So we really want to caution the government to make these regulations livable when they develop them.

One of the things that is suggested in the regulation is that at some point in time, they'll bring back the provision of requiring a sick note. The provision for telling a worker that, I don't believe you, you should go sit in a clinic, take up valuable time from a doctor when you may have a touch of stomach flu, maybe it's something you ate, maybe it's something that's going to be over in 24 hours. And really, so many jurisdictions have done away with the requirement for sick notes altogether, and as it relates to the North, we have a shortage of doctors on a good day.

If at some point in time the government brings in a regulation that says you need a sick note every time you're going to access one of these benefits, then really, it's just another roadblock that will discourage workers from staying home when they're sick, because if you're sick and throwing up, the last place you want to be is sitting somewhere in public in a doctor's office. So, again, I hope the government takes these comments to heart and makes sure that regulations are in fact reasonable at the end of the day.

I think, Madam Speaker, I could probably conclude my remarks at this point in time. I just really want to make sure that the government does everything in their power to make working people aware that this benefit now exists. I want to make sure that this government does everything in their power to treat working people with the dignity and respect that they so much deserve, and that they haven't seen from this government so far.

They have the opportunity with this legislation to crack that door open, to the door to respected dignity for working people, to reverse a lot of the harmful things that they've already done and a lot of the harmful things that they've proposed in other pieces of legislation.

I guess, Madam Speaker, my computer is telling me that my battery is running low, so I'll conclude my remarks at that point in time.

Thank you.

**Hon. Jon Gerrard (River Heights):** Madam Speaker, I rise to speak on this bill.

First of all, I want to say we're pleased to support this legislation. We're going to ask at committee stage for some changes.

We believe that, as the minister has acknowledged, that it needs to be clearly understood that this is a federal benefit program and that this bill provides

the potential for an employee to take a leave if the employee is more susceptible to COVID-19 because of an underlying medical condition, ongoing medical treatment or other illness and that, in fact, the leave for reasons around COVID is already there. And so this is an important extension, but it is not the, you know, all-encompassing, you know, bill that some have tried to suggest it is.

It is an important supplement to the federal program or it goes along with it, and we thank the federal government for the measures that they have put in place to provide the funding support and the benefits for people who have to take a leave because of the COVID infection or, as I've talked about, because of other medical conditions, and this may be a leave because the individual is infected or because the individual has to quarantine because they are a close contact of somebody who's been infected.

And the benefit of this overall is going to be that we have people not hesitating to take a leave from work if they are infected, and hopefully this will decrease the number of people who are at work with infections and it will enable us to reduce the number of COVID-19 infections in Manitoba, as one piece of what needs to be done.

Those who are interested in some of the aspects of this bill and what happened on Monday should read an article by Tom Brodbeck in the Winnipeg Free Press, which clarifies some of the political machinations we don't want. I'm not going to get into that.

What I am going to say is this: that on Monday, we were presented with a bill, told it was going to be introduced, asked to give leave to have the bill introduced, which we gave. The bill was introduced at first reading. We were informed that there would be a bill briefing at 2:30, and even while that bill briefing was going on at 2:30, we were asked to give leave to push this bill all the way through that day and leave was necessary because, in fact, we were not following the normal procedures. We were rushing a bill through before it had been very carefully looked at, which what—something we should be doing as MLAs—and we would be interrupting the Throne Speech on Monday for an additional day and that also required special leave.

So, Madam Speaker, we said no to the fast track on Monday so that the Throne Speech debate could be completed, which it was yesterday with the vote, and so today, here we are ready to support this bill going all the way through.

The Manitoba Liberals are, as I said, strong supporters of making sure that workers in Manitoba are able to get leave and be able to get the federal benefit. There are options. There are options that the Province could have, and we have encouraged them to do so, but it doesn't look like they will.

The federal program for somebody with COVID, for example, would provide 10 days paid leave, and we've suggested that the Province could come in because some people will have to self-isolate or quarantine a second time or maybe even a third time. The Province could help by ensuring that those periods are funded but it looks like the Province is not ready to do that.

\* (16:20)

We also believe that this provision that employees may—employers may require employees to verify leave by providing a certificate of a health professional, that's not the best way of going about this in the circumstance when we're talking about the COVID infection and the COVID pandemic. Clearly, in this circumstance, it's not useful or particularly helpful to have people going to doctors' offices to get this certificate. If they are sick with COVID, they should be self-isolating instead of going to doctors' offices. And, indeed, this is a waste of the doctor's time and it is potentially putting individuals at risk.

So it is inconvenient; it is a waste of time, a waste of dollars. There's a far better way, as I have suggested earlier on in the question period. The government, through its health programs, is identifying every individual who tests positively in Manitoba for the COVID-19 virus, and it is also doing extensive contact tracing. It is amassing a considerable database, and that database would have the information that it would be needed for the government to verify that the individual had COVID-19 or was a contact, close contact, and was being asked to self—to quarantine.

There would—where's there's a dispute with the employer—be a need for a request for the employee to provide the access to the medical record, but I think most employees would be fine in terms of providing access as to proof from this database that they had either the COVID infection or were required to quarantine.

So I think that this is a very feasible approach that would be much more rigorous and much more effective than asking all the doctors of Manitoba to be corroborating whether or not people have COVID-19

infections and whether or not they were asked to quarantine, and the latter is probably not information that they would have access to, in any event. So I suggest that there is a much better way than clause 4 which the government should use, and that we will be asking for clause 4 to be dropped at the committee stage.

Madam Speaker, I conclude by saying that we are pleased to support this legislation. As I have said, we would like some improvements, which we hope we can get at the committee stage, but we will wait for that and we will look forward to this passing and getting royal assent later today.

Thank you, Madam Speaker.

**Mr. Dougald Lamont (St. Boniface):** I would like to echo many of the comments of my colleague from River Heights and just some clarity on what this bill is.

First of all, we do need to be clear that this bill does not provide paid leave, that one of the—I think it is a disservice, unfortunately, for people to suggest that they cannot access paid leave until this bill is passed. It's certainly unfortunate if anybody felt that, you know, who needed to have—apply for pay leave—paid leave didn't because they were being told that it was not available when it is available. The Canada Recovery Sickness Benefit is available right now. It's been available for a number of weeks from the federal government. It allows for 10 days of leave. We are concerned that that is not enough.

While, of course, the very nature of COVID and sick leave is that some people will never have to use it; some people use it once, but the likelihood is it's almost certain that a number of people, though it might be small or not—it's certainly not as large as people use it once—may have to rely on a longer period of paid sick leave, either because they'll have children or family members, or may be exposed more than once and have to self-isolate, or that they—there may be challenges around recovery as well.

So, again, this is not a paid sick leave bill; this is a bill that makes a few changes to a bill we did back in April. People are able to access the Canada Recovery Sickness Benefit right now. They have been all along.

There are, of course, concerns about—which the member for River Heights (Mr. Gerrard) addressed, which we are going to be asking for a change for. The member for Flin Flon (Mr. Lindsey) actually recognized them. So—and that's the fact that this

government—sorry, this bill reintroduces the possibility of asking for sick notes. That was something that was not in the legislation in the spring. This has sort of been brought back in, which is unfortunate.

It's—there are a number of problems with it, which is why we're asking for it to be removed or—and we certainly hope that—we really hope that both government members and opposition members will take this very seriously for the simple reason that asking for sick notes, on the face of it, is costly; lots of doctors have opposed the practice of asking for sick notes.

In a pandemic, it's a pointless strain, extra cost on our health-care system, where doctors should be taking care of other people. It would—you'd require people to be asking for sick notes for going to—they might be going to appointments. It doesn't make sense to ask Manitobans or Canadians—or sorry, Manitobans, sorry, especially to be going out in a pandemic, to going to a doctor's office when they don't need to be going, just to get a doctor's note.

The other is that it doesn't align—that is actually doesn't align with the federal government's current legislation, which says there should not be doctors' notes. And so, the removing this—removing this particular clause would save money for the health-care system. It would reduce red tape, honestly, for individuals and doctors and it would make people safer.

So I think that's something that we can all agree on. I certainly hope that we can—that all members will seriously consider getting rid of the sick note portion of this bill. Other than that, I do think that that's important. The fact that we had to—the day that we had to—to give us the opportunity to scrutinize the bill, introduce an amendment that will actually be able to improve it and, as we've said, save money, reduce red tape and make people safer, which is something, again, that I think all—everybody—there's something here for everybody, for every Manitoban and for all of us to agree on.

And as to the broader concerns around this, is that, again, we were happy to see this bill introduced. The challenges around its introduction were simply that, as the member for River Heights (Mr. Gerrard) mentioned, it was introduced—it was dropped at 1:30, at the beginning of question period—the rest of us were, of course, absorbed in question period. There was a bill briefing at 2:30 and then an immediate call for leave.

We recognize the urgency of these things, but it's also important of you to respect the democratic process, to not rush these things and to get not quite an opportunity for—it's not a moment for sober second thought, but at least the ability and time to scrutinize a bill, see what problems it might have—and I think we did identify those—and be able to offer constructive amendments, which again, is something we're looking forward to doing.

So, merci, tout le monde [*thank you, everyone*], thank you very much, Madam Speaker, and that'll be the end of my comments.

**Madam Speaker:** Are there any further members wishing to speak in debate? Is the ready for the question?

The question before the House is second reading of Bill 44, The Employment Standards Code Amendment Act. Is it the pleasure of the House to adopt the motion? Agreed? [*Agreed*]

I declare the motion carried.

The House will now resolve into Committee of the Whole.

Mr. Deputy Speaker, please take the Chair.

\* (16:30)

## COMMITTEE OF THE WHOLE

### Bill 44—The Employment Standards Code Amendment Act

**Mr. Chairperson (Doyle Pivniuk):** Will the Committee of the Whole please come to order.

As previous agreed by the House, this committee of—will consider Bill 44, The Employment Standards Code Amendment Act.

Does the minister responsible for Bill 44 have an opening statement? No? We thank the minister.

Does the critic for the official opposition have an opening statement? Okay, I guess not.

Does the honourable member have—[*interjection*] Okay. That's fine, then.

During the consideration of bill, the enacting clause and the title will be postponed until all other clauses have been considered in their proper order. Also, if there is any agreement from the committee, the Chair will call clause in blocks that are—conforms to the pages, which is—understanding that we stop at any particular clause or clauses where members have

comments, questions or amendments to propose. Is that agreed? *[Agreed]*

**Mr. Chairperson:** Clauses 1 through 3—pass.

Shall clause 4 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Mr. Chairperson:** I hear a no.

**Hon. Jon Gerrard (River Heights):** I—we have concerns about this clause.

I'd like to get the minister on the record. Even though this clause says that there may be a requirement under some circumstances for physician's certificate or medical certificate, the minister, I think, was indicating to me that he would not, in the regulations, require a physician's note or a physician's certificate. And I—perhaps the minister can provide some clarification.

**Hon. Scott Fielding (Minister of Finance):** I think I was fairly clear during my Q & A that we won't be providing—you won't have to provide a note. No other province in Canada does. You have to attest to the federal, you know, benefit portions of things, but we will not be asking for a note because we know that, you know, you should be self-isolating or what have you. So there will not be a note being required for any aspect of it.

**Mr. Gerrard:** Then it seems to me that this clause, as it stands, is not necessary because it talks about a physician's certificate or medical certificate. It seems to me that, as I have indicated in my remarks earlier on, that the government has the database of who's infected with COVID and who has been asked to quarantine and that that would be a much more effective way to use that database to determine, in fact, if somebody needed to isolate or self-quarantine.

**Mr. Fielding:** I stand by my previous comments. I'm not sure what more I need to say about it. And we're not going to be providing a note for this. We—you know, the parameters are, in itself—I guess, my concern is maybe that this is another stalling tactic of the Liberals. I'm not sure what they don't like about this. We are the first government to introduce legislation across the country. It seems like we've got bipartisan support in respect to that. So I'm not a hundred per cent sure if this is a stalling tactic again, not to pass the legislation. Maybe it is; maybe it isn't. But I think I have answered the question probably four

or five times and we stand with the clause that's part of the legislation.

**Mr. Gerrard:** We're not going to stall. We've already agreed to make sure this goes all the way through. We just want very clear clarification on this point and, you know, when we will vote against the inclusion of this section, but of course if the government wishes to put it through, then that is the government's choice.

**Mr. Chairperson:** Is the committee ready for the question?

**Some Honourable Members:** Question.

**Mr. Chairperson:** The question before is the—shall clause 4 pass?

**Some Honourable Members:** Yes.

**An Honourable Member:** No.

**Mr. Chairperson:** I hear a no.

So, we'll have a voice vote.

#### Voice Vote

**Mr. Chairperson:** All those in favour of the motion please—of the clause, please say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** I hear—in my opinion, the Yeas have it. Clause 4 is accordingly passed.

**An Honourable Member:** On division.

**Mr. Chairperson:** On division. Clause 4 is accordingly passed on division.

\* \* \*

**Mr. Chairperson:** Clauses 5 and 6—pass; clauses 7 and 8—pass; enacting clause—pass; title—pass. Bill be reported.

That concludes the business before the Committee.

Committee rise.

Call in the Speaker.

#### IN SESSION

#### Committee Report

**Mr. Doyle Piwniuk (Chairperson):** Madam Speaker, the Committee of the Whole has considered the following: Bill 44, The Employment Standards

Code Amendment Act, and reports the same without any amendments.

I move, seconded by the honourable member from Lac du Bonnet, that the report be of the committee be received.

*Motion agreed to.*

### CONCURRENCE AND THIRD READINGS

#### Bill 44—The Employment Standards Code Amendment Act

**Madam Speaker:** We will now move to concurrence and third reading of Bill 44, The Employment Standards Code Amendment Act.

**Hon. Scott Fielding (Minister of Finance):** On behalf of the Premier (Mr. Pallister), seconded by the Minister of Education (Mr. Goertzen), that Bill 44, The Employment Standards Code Amendment Act, reported from the Committee of the Whole, be concurred in and now be read for a third time and passed.

*Motion presented.*

**Mr. Fielding:** Madam Speaker, I am pleased to once again rise to third reading of the particular bill—sick leave bill. It's very important. I'm very happy to see the important pieces of legislation move quickly through the approval process by taking swift action to ensure that Manitoban workers affected by or at heightened risk of COVID-19 are able to take time away from their jobs and that they can access the recently established paid benefit program. We are adding another tool to help us fight the pandemic and keep Manitobans safe.

\* (16:40)

I'd like to thank the members of the House for their support by passing this legislation.

Thank you, Madam Speaker.

**Hon. Jon Gerrard (River Heights):** Madam Speaker, very briefly, we support this legislation. We have thought that it could be improved, but I am at least glad that we have clarification from the minister that he will not be putting in regulations the requirement for a physician's note or certificate, and so I thank the minister for that and we look forward to this legislation being passed and through royal assent later today.

Thank you, Madam Speaker.

**Madam Speaker:** Are there any further members wishing to debate the bill?

If not, is the House ready for the question?

**Some Honourable Members:** Question.

**Madam Speaker:** The question before the House is concurrence and third reading of Bill 44, The Employment Standards Code Amendment Act.

Is it the pleasure of the House to adopt the motion? Agreed? [*Agreed*]

I declare the motion carried.

The House will now prepare for royal assent.

### ROYAL ASSENT

**Deputy Sergeant-at-Arms (Mr. Ray Gislason):** Her Honour the Lieutenant Governor.

*Her Honour Janice C. Filmon, Lieutenant Governor of the Province of Manitoba, having entered the House and being seated on the throne, Madam Speaker addressed Her Honour the Lieutenant Governor in the following words:*

**Madam Speaker:** Your Honour:

At this sitting, the Legislative Assembly has passed a certain bill that I ask Your Honour to give assent to:

**Clerk Assistant (Ms. Monique Grenier):**

Bill 44 – The Employment Standards Code Amendment Act; Loi modifiant le Code des normes d'emploi

**Clerk (Ms. Patricia Chaychuk):** In Her Majesty's name, Her Honour assents to this bill.

*Her Honour was then pleased to retire.*

*God Save the Queen was played.*

\*\*\*

\* (16:50)

**Madam Speaker:** Please be seated.

**Hon. Kelvin Goertzen (Government House Leader):** Could you please resume debate on Bill 2, The Budget Implementation and Tax Statutes Amendment Act, 2020.

## DEBATE ON SECOND READINGS

### Bill 2—The Budget Implementation and Tax Statutes Amendment Act, 2020

**Madam Speaker:** It has been announced that the House will resume debate on second reading of Bill 2, The Budget Implementation and Tax Statutes Amendment Act, 2020, standing in the name of the honourable member for Flin Flon, who has 29 minutes remaining.

The honourable member for Flin Flon.

Honourable member for Flin Flon, can you unmute your mic?

**Mr. Tom Lindsey (Flin Flon):** I can, actually.

So, I was in the process of talking a lot about this bill, but I think I'll cede the floor to someone else at this point in time.

**Ms. Nahanni Fontaine (St. Johns):** In the very few minutes that we have left in the Chamber for today, I'd like to put a couple of words on the record in respect of BITSA, or Bill 2.

Madam Speaker, we only have a couple of minutes and to put a couple of words on the record in respect of such an egregious bill that the Premier (Mr. Pallister) and his Cabinet had put forward to this House, and so, obviously, I can't get into all of the things that are in BITSA, including the 2.9 per cent rate increase to Manitoba Hydro for all of Manitobans.

What I will say is this, Madam Speaker, is that since October 7th, there has been folks from across Manitoba camped outside the Manitoba Legislature in two teepees in response to the Premier of this Province legislating the right of the Pallister government to steal the children's special allowance from First Nations children, from Indigenous children in care, alongside legislating the right of the provincial government to circumvent two court cases that are before the courts right now as we speak and that—legislating the rights away of Indigenous children to sue the Premier, to sue the Pallister government in what is theft of the children's special allowance.

In 2020, Madam Speaker, I spoke about this in my response to the Throne Speech. It is so egregious that members opposite are complicit in sitting by while their boss legislates the right of Indigenous children away. I would submit to the House that the PC caucus is no different than the members that sat in this very Chamber or in jurisdictions across Canada at the

creation, administration and the height of residential schools.

We have politicians that sat across Canada, who sat in legislators—legislatures like this and did nothing while children were stolen from their families and their communities, while they were thrown into the clutches of abusers, including pedophiles, who forever changed the trajectory of their lives, who stood by while experiments were being taken on our children, who stood by while our children were starved, while—standing by, Madam Speaker, in legislature similar to this, while our children were taken from our families during the '60s scoop.

The PC caucus sits here in 2020 and sits and does nothing to protect Indigenous children.

I asked the executive director for the First Nations Family Advocate Office, Cora Morgan, if she had the opportunity to say something to the members opposite—who are not listening right now, by the way, Madam Speaker—if she had the opportunity to stand in this House, what she would say to the PC caucus and what she would say to the Premier.

And I quote, Madam Speaker: I beg you as a mother and an advocate for children not to include section 231 in BITSA. If you plan on voting in favour, I ask that, before you do, you reach out to a First Nations child in care and learn about their reality and life circumstances, then look them in the eye and tell them what you are doing to them. Please do this before you vote. End quote.

Madam Speaker, this is—what's about to take place on November 5th on behalf of First Nations children, on behalf of Indigenous children, is the grotesque example of a party in power abusing that power, abusing their power to oppress Indigenous children.

I don't know what kind of people sleep at night knowing that only in a couple of days they're going to be standing up in this House and voting in favour of legislating the rights of Indigenous children away. I don't know what kind of people do that.

I don't know what kind of people even think about stealing money from Indigenous children who are in care. And it is every single member of the PC caucus standing in this House here today. They are no different than the politicians that came before them, that sat by—*[interjection]*

**Madam Speaker:** Order.

**Ms. Fontaine:** –while our children were taken to residential schools.

**Madam Speaker:** Order. Order. Order. The Speaker is standing, please. I'm going to ask for everybody's co-operation, please. I need to be able to hear what is being said and, at that point, I wasn't able to hear anything except all the heckling that's going on.

If people are going to have conversations, I would ask you to bring that level of loudness down, please. I do need to be able to hear what a member is saying.

**Ms. Fontaine:** Before our time is up here, Madam Speaker, while I loathe to do it, while I loathe to beg members opposite for anything, I am begging the Premier (Mr. Pallister), on behalf of Indigenous children, to reconsider section 231, to reconsider what they're allowing to happen.

They are complicit in what is about to happen to Indigenous children and the consequences, the long-term consequences of what that means in the lives of Indigenous children. As I said, I am loathe to do it, but I am begging the Premier to reconsider what he embedded in Bill 2 and do what's right for Indigenous children.

Give Indigenous children the money that they are entitled to. We don't take child tax credit away from non-Indigenous families, but that is exactly what the Pallister government is doing in Bill 2. It is taking dollars that rightfully belong to Indigenous children in care and clawing it back and legislating the right to do so.

If there is ever an opportunity to stand up in his House for the PC caucus to do what is right, it is right this second. It is on November 5th. It is well before November 5th, asking their Premier to do what is right. Each and every one of them have a responsibility to do the best for all Manitobans, and that includes Indigenous children. And they have the ability to do so.

And so, Madam Speaker, on behalf of our NDP caucus, I say miigwech for this.

\* (17:00)

**Madam Speaker:** When this matter is again before the House, the honourable member will have unlimited time remaining.

The hour being 5 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow.

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Wednesday, October 28, 2020**

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